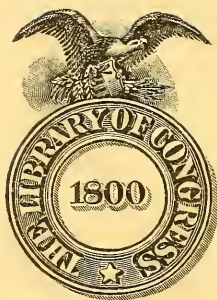


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*Wm Buchler.*

REPORT

OF THE

COMMITTEE APPOINTED

TO ENQUIRE INTO THE

CAUSES OF THE DISTURBANCES

AT THE

SEAT OF GOVERNMENT.

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OF THE

## COMMITTEE APPOINTED

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AT THE

SEAT OF GOVERNMENT.

**In December, 1838.**



Mr. SNOWDEN.-Chairman.

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READ IN THE HOUSE OF REPRESENTATIVES, JUNE 18, 1839.

HARRISBURG:

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## REPORT.

MR. SNOWDEN, from the committee to whom was referred an inquiry into the origin of the difficulties which took place at the seat of government in December last, and the necessity for the employment of the military, together with all the facts connected therewith, beg leave to submit the following

### REPORT:

That pursuant to the power given them by the House, they have examined a number of witnesses in relation to the subject committed to their charge. The testimony taken and appended to this report, exhibits very clearly the true origin of the difficulties which took place at the seat of government in December last, and which threatened the overthrow of our republican institutions.

The late general election was an exciting and interesting one. The administration then in power, never had received the sanction of a majority of the people of the state. It came into existence in consequence of a division in the democratic party, and sought to perpetuate that existence by every possible means which its power and patronage could bestow. The contest was emphatically one between the people and a corrupt minority administration. It was a struggle of the minority against the majority; and however startling the annunciation must be to every true American, yet the advocacy of this principle, by wicked and designing men, is the true and legitimate source of all the disturbances which recently convulsed our beloved commonwealth.

The result of the late election exhibited the triumph of republicanism over bank aristocracy and federal antimasonry. The ballot boxes proclaimed that the people had triumphed. That party, however, which arrogates to itself the name of "*whig*" openly and shamelessly announced their determination to "*treat the election as if they had not been defeated.*" That extraordinary manifesto, emanating from one, then high in office, affords a clue to the whole of their subsequent proceedings, which, if successful, would have prostrated the fair fabric of republican liberty, founded upon the blood and treasure of our glorious ancestors. That sound principle, the right of the majority to govern, which constitutes the basis of our free institutions would have been obliterated and trodden under foot, and our government ceased to be a republic.



But we will pass on to notice briefly, the facts and circumstances which bear upon the inquiry under consideration. The testimony has more immediate reference to the county of Philadelphia, inasmuch as there existed a fixed determination by the federal party to defraud the people of that county of their true representatives, and place in their stead, men who had been defeated by the public will at the ballot boxes. The evidence clearly exhibits the frauds they resorted to *before the election, at the time of the election, and after the election.* We will state a few of them as briefly as possible, embracing the most prominent and atrocious.

I. *Fictitious names were placed on the registry, together with the names of non-residents in the respective wards by whig officers, and names were added to the registry by them after the time fixed by law for so doing had expired.* These facts are abundantly substantiated by the testimony of Thomas Doyle, William Piersol, John Miller Joseph W. Blight, and others, and also by the record of the court of common pleas hereto attached, which in connexion with the evidence proves, that the whig officers had placed three hundred and sixty-two fictitious names upon the registry in the first ward, Spring Garden; and when assembled to correct the registry, although requested at the time pointed out by law so to do, refused to mark the letter "C" to their names to indicate that their right to vote would be challenged at the polls. The court, however, after full hearing, directed the letter "C" to be marked to their names, and it appears by the testimony of John Martin, that but two or three persons voted in the names of these persons. If these judicial proceedings had however, not been instituted, and the progress of the fraud, thus in this instance legally arrested, there can exist not a doubt, but that other persons would have voted in the names of these thus fraudulently registered.

II. *Federal officers of the election, treated the sacred obligations of an oath with the most deliberate and startling indifference, and unblushingly proclaimed their intention, previous to the election, "to CHEAT."* In corroboration of this fact, your committee refers to the testimony of John Miller, who fastens this revolting declaration upon Bela Badger, one of the federal judges. This is confirmed by the testimony of John Abraham, who swears that he heard George Hœcker, a federal officer of the 5th ward, N. L., openly declare "*that Naylor would have a majority of two hundred in that ward, and if there was not, he would make it, and more too, and that if Mr. Ingersoll had two hundred majority, he could not be elected!*" See also, the testimony of Joshua S. Fletcher, of Moyamensing, who heard Dr. Michael F. Groves the federal inspector of that district say, "*that he was up for the highest bidder,*" and afterwards said, "*the democratic county ticket is to be defeated.*" Witness asked "*in what manner?*" The inspector of the election said, "*you will hear—we have made arrangements, and the democratic county ticket must be defeated.*"



### III. *Bribes were offered and paid to change the result of the polls.*

Read the testimony of Isaac Abraham jr. constable of the 7th ward Northern Liberties, who swears that Bela Badger, the federal return judge of the Northern Liberties, paid him *fifty dollars* as a reward, to reduce the democratic majority in that ward, and promised him *two hundred dollars*, if he would reduce it fifty votes. Badger further "furnished him with a number of tickets headed by Ritner for Governor, and Naylor for Congress, with instructions to palm them after dark, upon his democratic friends who could not read, and for this purpose he, Badger sent men into the ward, in the evening to *put out the lights!*" The fact of this bribe having been actually paid, is corroborated by the testimony of Daniel M. Leisenring, a witness who was examined at the instance of the majority of the committee, who swears that Badger admitted the fact, in his presence. As to the fact that bribes were offered, see the testimony of Joshua S. Fletcher, who states that "Michael F. Groves, the federal inspector of Moyamensing, told him, that he (Fletcher) should have fifty dollars, if he would act with the inspector, and have ten dollars if he would go in the election house and act as clerk. Groves said "they had three thousand dollars to carry on the elections in the county, and with it they could make something out of it."

IV. *Hordes of individuals, under the pretext of being officers to preserve the peace, were employed and stationed near the respective election houses, with the view of intimidating the democrats from the free exercise of the right of suffrage.* We refer, upon this point, to the testimony of D. Hotz, who states, that he saw five hundred clubs or maces, each two and a half feet in length, and one and a half inches in thickness, in James street, provided by the federal Sheriff, for use upon the election ground. Also, to the testimony of Charles Thompson, who states, that John Conrad, Mayor of the Northern Liberties, offered him one hundred dollars, if he "would stow away one hundred men for him." Which, however, the witness indignantly rejected. See also, in the testimony of John G. Watmough the Sheriff, where he admits, he had about five hundred men employed; and the mayor of the Northern Liberties, in his examination, also admits, he had about one hundred men employed, armed with maces, besides these, a number of young men from the city, acquaintances of his sons, volunteered their services, on the night of the election.

V. *Tickets were taken from the boxes, before the close of the polls, and before any canvassing took place.* In support of this allegation, we refer to the testimony of Daniel Hotz, who swears, that he was at the first ward, Spring Garden, on the day of the election, that he then and there saw a Mr. Rowan, a federal clerk in that ward, thrust his hands into the Governor and Congress boxes, and upon being detected, returned his hand into his coat pocket, and refused all explanation.

VI. *In other districts, tickets were thrown into the boxes and counted, which had never been deposited in the legal manner, by*

*qualified voters.* In support of this fact, your committee refer to the testimony of George M. Whartnoby, who swears, that he saw Banks, the federal deputy sheriff, on the morning of the election, pick up a parcel of tickets, and when the officers backs were turned, raise his hand over the boxes and drop into the assembly box. Also, to the testimony of M. D. Wartman, who states, that he saw an individual named Stout, a federal officer of the third ward, Spring Garden, pick up a quantity of tickets, and throw them on the pile of whig tickets, and that *they were opened and counted.*

VII. *Blank naturalization papers were filled up without the sanction of the Court.* Your committee refer to the testimony of Michael Cochran, who refused a detailed explanation of this subject upon the plea that it would *criminate himself and friends.* Thus virtually acknowledging the commission of frauds. Also the testimony of John Lewis, who heard Cochran admit the above fact.

VIII. *Abandoned men who had bet largely upon the result, were appointed to officiate at the election.* We refer as a striking illustration to the case of Peter Albright, inspector of the 1st ward, N. Liberties, whom a number of witnesses concur in describing as an individual of a bad reputation, notorious for the commission of frauds at elections, and who has made it a matter of pride that upon one occasion he was enabled to deposit one hundred and twenty tickets in the ballot box himself. This man was examined before the committee at the instance of the minority of the committee, perhaps for the purpose of explaining his conduct. Let his testimony be read in connexion with that of the others to the same point, and no one can believe a word he said, he is contradicted in every particular by respectable witnesses, and it is proved by an unimpeachable witness that he said *he would not tell the whole truth before the committee.* This man had bet five hundred dollars on the result, and yet we find him acting as inspector in the Northern Liberties. In another instance it appears an individual officiated as clerk who was not a citizen of the state, we refer in support hereof to the testimony of John Miller.

IX. *All information as to the result of the election in certain districts was withheld by the federal officer, even after the ballots had been canvassed and the result ascertained.* Read the testimony of Jacob R. Kline, clerk in the 7th ward N. L., who made inquiry as to the result *after* the ballots had been canvassed, which was refused by the federal judges, see also the testimony of Joseph M. Blight, James Galloway, and others in regard to the declarations of the above named Peter Albright, giving at different periods of time varied and contradictory statements of the result of the polls in the Northern Liberties.

X. *Important election papers were either lost or destroyed by federal election officers.* We refer to the testimony of Jacob R. Kline, a clerk at the 7th ward, N. L., who swears that John C. Gerrish, presiding whig judge of the 7th ward, N. L., was observed during the progress of the canvassing, to carry away a tally list containing 841



names, which has never since come to light. The testimony of Mr. Kline is corroborated by that of Daniel Jeffries, Daniel S. Siner and others.

XI. *False receipts for taxes were manufactured.* Refer to the testimony of Alexander M'Calmont, Esq. in relation to the declarations and admissions made by Peter Albright the before-mentioned inspector of the 1st ward, N. L. See also the testimony of Joshau S. Fletcher, who swears that Dr. Groves, inspector in Moyamensing, told him, "that there were 205 democrats taken to work on the canal and rail road, and if they would not support Ritner, they would not be permitted to vote, but if they would support Ritner they would be permitted to vote, that the tax receipts would be made up for them, that he had done the like before and could do it again."

The foregoing is a review of some of the most prominent outrages resorted to by the federal and whig party to deprive the citizens of the county of Philadelphia and of the entire commonwealth of their just and most sacred rights,—outrages which we sincerely believe are without a parallel in the history of any election that has ever occurred within our commonwealth. Base and dishonorable as they unquestionably were—destructive of the purity of the elective franchise, and subversive of social order, they however formed but the prelude to others, which were, if possible, more corrupt, and calculated to impair still more deeply the foundations of social order and civil liberty. And progressing with the events as they transpired, we will now call the attention of the House to the proceedings which took place at the meeting of the return judges.

The county of Philadelphia, it will be recollected, is composed of seventeen election districts. One return judge from each district is deputed to produce the return from his district, at a meeting of the return judges on the Friday subsequent to the election at the state house in Philadelphia, for the purpose of counting up the votes of the entire district and ascertaining the result of the election. Pursuant to the law and their appointment, these judges assembled, and organized by the election of a chairman and clerks. They had proceeded in the discharge of their duties, until the return from the incorporated district of the Northern Liberties was produced. This return was objected to on the ground of fraud and illegality. The judges proceeded to examine by the testimony of witnesses into the truth of the alledged frauds, and after hearing the evidence, a majority were satisfied that the return should be rejected, as the proofs were clear that frauds to an alarming extent had been committed in that district. It was accordingly rejected by a vote of ten to seven.—Hereupon the judges proceeded in the discharge of their duties, the minority of seven participating so far as to hand in their returns. Upon summoning up the votes it was ascertained, that Charles Brown and Samuel Stevenson were duly elected senators, and Charles Pray, John W. Ryan, Miles N. Carpenter, Thomas H. Britain, Benjamin Crispin, Abraham Helfenstein, J. W. Nesbit and Thomas J. Heston were duly elected members of the House of Representatives, (see ta-

ble A.) Accordingly, returns were signed by the ten judges and certificates made out for the persons elected. Persons were chosen to give the papers the proper direction, and on motion the judges adjourned *sine die*. During all this time and up to the adjournment no disposition was manifested by the minority judges to make out separate returns, and when the adjournment took place no such intention was expressed. At a subsequent period of the same day, however, six of these minority judges convened in another part of the building, and having procured the attendance of one of the clerks, Mr. Samuel J. Robins, they made out other returns. These returns comprise the following districts: Spring Garden, Oxford, Incorporated Northern Liberties, Moyamensing, Blockley, Germantown and Bristol.

It is proper to remark, that the judge from Blockley was not present, but the other judges took the return for that district from the general list taken down by Mr. Robbins. At first view it would seem strange, that they should have taken this one district from Mr. Robbins' paper and not the others, as Mr. Robbins states that they had the same opportunity to take all the other districts as well as Blockley. This, however, would not have answered their purpose, as they would then have been under the necessity of returning the democratic members elected. The exclusion of the Northern Liberties made not a shadow of difference in the result of the election, so far as regarded the Senators and members of the House of Representatives. *The democratic candidates were elected, whether that district was included or excluded.* The design of those six judges in making a false return is, therefore, clearly and indisputably manifest. They affected to consider the exclusion of the incorporated district of the Northern Liberties a sufficient reason for their separate action, the fallacy of which position, however, is clearly exposed by the fact, that with regard to all the other districts, not a single evidence of illegality was adduced or ever surmised. These minority judges, therefore, although solemnly sworn "*to make a true and perfect return of the election,*" fraudulently prepared a return embracing but seven of the seventeen districts to which it was their province to certify, although the papers were before them from which they might have been enabled to make a full and true return, embracing all the districts in the county. It is nevertheless a fact of essential importance that there were still some limits to the audacity and recklessness of these minority return judges. The paper signed by them does not certify that the whig candidates WERE ELECTED—that it seems was a stretch of recklessness upon which even they would not venture. It merely certifies that the candidates "APPEAR to have received the number of votes set opposite their *respective names.*" (See table B.)

Not less important is the truth, that these returns were void in another essential particular, not having been completed on the day prescribed by law, the Friday subsequent to the election. For ample confirmation of this fact, we refer to the testimony of Thomas Dow-



ney, Sen. the superintendent of the state house clock, who was employed by the minority judges as doorkeeper until the consummation of their nefarious intentions. He swears that shortly before the clock struck twelve, he was requested by one of the whig judges to "STOP THE CLOCK," which he however refused, and further declares, that it was *not before one o'clock in the night* when they had got through with making the returns.

These returns thus clandestinely and fraudulently made, were handed to the Sheriff and forwarded to the Secretary of the Commonwealth by a locomotive prepared for the occasion, as if the result of an election depended on the swiftness of a *steam engine*! The federal Sheriff affected to consider these the true returns, although in his testimony he acknowledges his cognizance of there having been another return made out by a majority of the judges in the mode pointed out by law, and also that he *knew the fact that the democrats had a majority in the county of Philadelphia*, a fact which, as he admits, he freely expressed to a number of his friends. But in accordance with the acts of Assembly, on this subject, the Sheriff has nothing to do with the returns for members of the Legislature; the act of 1799 imposing that duty upon that officer is repealed by the act of 1803, which directs that one copy of the return shall be deposited in the Prothonotary's office by the return judges, and one copy, under a sealed cover, directed to the Secretary of the Commonwealth, deposited in the nearest post office. The returns of the majority judges were made up, forwarded and deposited in conformity to this law, and it is fully substantiated by the testimony of Col. M'Cahen, that they reached the Secretary through the post office, and were in his possession previous to the meeting of the Legislature. Yet, with a full knowledge of all these facts, and in violation of the plainest precepts of reason and law, Thomas H. Burrowes, the Secretary of the Commonwealth, at the assembling of the Legislature, assumed the fearful responsibility of withholding from both houses the returns of the majority judges of the county of Philadelphia, *and sent in the minority returns only*. That this was a wanton, unjustifiable and daring assumption of power, none, we presume, will be so hardy as to deny. That office is one of a ministerial character, and intended in this respect, as a mere depository for the safe keeping of these returns, until the Legislature convened, when it became the duty of the officer to deliver them to the respective bodies to which they belonged. This violation of law on the part of the late Secretary was, however, but a part of a deep laid, well matured conspiracy on the part of that incumbent and others in high stations, to which your committee will call your attention. That officer had previously issued a semi-official proclamation "*to the friends of Joseph Ritner*," in which he exhorts them "*to treat the election as if they had not been defeated, and in that attitude abide the result*." Here, in the deliberate opinion of your committee, was an unequivocal and openly declared determination to resist the will of the majority, as declared through the legal medium of the ballot boxes. The plan of

operations was to organize a House of Representatives suitable to their views, and having a majority in the Senate, and a Governor whose constitutional term of office would not expire for some weeks, they would pass laws to contest the election of Governor Porter, elect a United States Senator, State Treasurer, and Canal Commissioners; and if they could not succeed in so moulding the returns for Governor as to declare Joseph Ritner re-elected, then, to pass laws by which the patronage of Governor Porter should be in a great measure taken away. These projects, more fully developed in the testimony of John Montelius, Esq., were intended to be accomplished by the organization of a House of Representatives, upon fraudulent returns, contrary to the declared will of the people, and without regard to the powers or the letter and spirit of the law.

The testimony of judge Huston also shows the intention of the federal party to contest the election of Governor Porter. He received a letter from a whig or anti-mason, one of his party friends, in which the judge's opinion was asked in relation to the manner and effect of the contest. This letter was received before the meeting of the legislature. Judge Huston burnt the letter and now declines giving the name of the writer..

The testimony further shows that individuals were hired to come to Harrisburg from Halifax and elsewhere to assist them in effecting these dark designs. In support hereof we would refer to the testimony of Mr. John Welker, a highly respectable witness, who says "The contractors on the Wisconsin canal, in Dauphin county, told him that they were coming down to Harrisburg on the 4th of December, that they were determined to secure seats to the Philadelphia county whig members, that Governor Porter should not be sworn in, but Ritner continued three years longer;" and that on the 4th of December these desperadoes did appear in Harrisburg and boldly reiterated their revolutionary declarations. He saw them in the House of Representatives at the time of the organization. This witness is corroborated by Charles W. Hégins, Esq., General Adam Diller, and others.—Nor, according to the testimony of John Abrahams, did they act without reward—he swears that he observed Thaddeus Stevens distributing a roll of bank notes among them; this evidence is in some measure corroborated by other witnesses.

This and other testimony abundantly proves, that there existed on the part of the anti-masonic and whig party, a settled, preconcerted determination to defeat the will of the majority of the people. It was announced in the leading federal paper at Harrisburg, that "their members from the county of Philadelphia will have their seats, peaceably if possible, but **FORCIBLY** if otherwise; that they would defend themselves as heroic men **AT ALL HAZARDS.**" It also appears from the testimony of Adam Diller and other witnesses, that leading federalists publicly boasted they would secure a majority in the legislature and elect a United States senator, state treasurer, canal commissioners, &c. It is also manifested by the testimony of *William B. Reed*, the Attorney General under Governor Ritner, who by his own show-



ing, was privy counsellor and abettor in the fraudulent conduct of the minority judges at Philadelphia.

Pursuant to the plan of operations previously marked out, circulars were issued by the secretary of the commonwealth, requesting the attendance of the federal members two or three days prior to the meeting of the legislature. They accordingly met and concocted their plan of separate organization as developed in the House of Representatives on the 4th of December. The testimony of John Montelius, Esq., the honest and fearless representative from Union county, on this point is of an interesting character. He shows that a separate plan of operations was agreed upon, Mr. Cunningham to be the speaker, who for the purpose of expedition was provided with a pocket bible for the occasion. He also confirms their determination to elect a United States senator, canal commissioners, state treasurer and printers, and contest the election of Governor Porter. This worthy gentleman furnishes the reasons which induced him to separate from men harboring such intentions.—As at first impressed he was led to believe that the whig members from the county of Philadelphia were duly elected, and contending for the right; but he subsequently discovered his error, and had the independence and patriotism to speak of it in that way, and advise his party friends to compromise the difficulties; he was told “to adhere to his party RIGHT OR WRONG, and if he flinched they would break him down.” Mr. Montelius in the spirit of patriotism, however, laid his hand upon his breast and impressively replied “*There is something HERE which you cannot break down.*”

Your committee having thus, at some length, descanted upon the testimony which reveals the plans of the federal leaders *prior* to the convening of the legislature, will now proceed to furnish a faithful detail of the occurrences which transpired at the seat of government upon that memorable occasion; a duty, which is the more imperious, as upon it depends the result of the second point of inquiry—“*the necessity for calling the military to the seat of government.*” And here your committee will be permitted to premise, that the suppression of the legal return for the county of Philadelphia, was INDISPENSABLY NECESSARY for the prosecution of the illegal and disreputable designs of the party who had been so lately ejected from their ill-gotten power. The delivery of the minority return, only afforded the federal members a pretext, perhaps the only one that could have been seized upon, to attempt the introduction of individuals into the house of representatives who never had been chosen by the majority of the people, to whose rightful decisions their claims had been submitted; at the period of meeting, we accordingly find Michael Day, Adam Woelper, William F. Hughes, William Lloyd, William L. Crans, Samuel F. Reed, Benjamin R. Mears and Jesse F. Smith, the individuals named in the minority return, as having received a certain number of votes in seven of the seventeen districts of the county of Philadelphia (being however no certificate of election) we find these individuals appearing at the bar of the house of representatives, claiming

seats as members, which they had previously marked out as their own, upon no other pretensions than the fraudulent and deceptive paper referred to; a project so daring in its conception, naturally demanded, desperate and extreme measures to effect its consummation: these were not wanting on the part of those engaged in this unlawful design against the rights of the majority—after the reading of the minority return, by F. R. Shunk Esq., the clerk of the former house of representatives, the federal members urged the immediate admission of the individuals named in said return, (if so it may be called) on the singular ground, that the secretary had sent in no other evidence of the election of members from that county, thus striving to render a most gross violation of constitutional law, on the part of that officer, a pretext for committing a still grosser outrage on the right of free representation!

The democratic members, with a characteristic regard for the rights of the people, when menaced either by invasion from without, or encroachment from degenerate sons within, manifested at the outset a proper, but not the less determined spirit of resistance against the consummation of intentions so revolutionary and daring. Accordingly, in view of the unparalleled injustice done by the secretary, Mr. Pray, a member duly elected from the county of Philadelphia, presented a copy of the returns signed by the majority judges, duly certified by the prothonotary of said county, which was read by the clerk in connexion with the minority return received through the channel of the secretary's office. In the course of these proceedings Mr. Thaddeus Stevens, then a member returned from Adams county, (and whose certificate of election was the same as that offered by Mr. Pray, being a certified copy of the returns,) arose and made a motion, contrary to the practice observed in the organization of our state legislature, since our existence as a commonwealth, and in direct violation to the genius and letter of our institutions. This motion was that tellers be appointed for the purpose of electing a speaker, a departure from the custom so long prevalent of calling the clerk of the former house to superintend the election of speaker, and announce the result. Not content, however, with undermining practice and law long held inviolate, that daring conspirator progressed still further in his revolutionary intentions, and we accordingly find him, openly and unblushingly recommending the election of two speakers in direct and open violation of that most sacred constitutional injunction which declares there shall be but one. He then put the question with all imaginable haste himself, decided his motion as sustained himself, named the tellers himself, who, (doubtless instructed in the various scenes to be enacted in this most extraordinary drama,) ascended the platform and held an irregular and informal election, interfering in a great degree, with the orderly proceedings of the members engaged in the regular discharge of their duties. This was followed up by the tellers calling out the names of the eight pretended members of the county of Philadelphia. After the conclusion of this most novel and extraordinary proceeding, the tellers appointed by Mr.



Stevens, undertook to announce that Thomas S. Cunningham had received the number of votes required to constitute him speaker. which allegation has, however, since been disproved. (See the testimony of Mr. Montelius on this subject.) The pretended whig speaker accordingly ascended the platform drew from his pocket *the bible* furnished for the occasion, and after the forms of an oath were administered to him, he likewise qualified those who acted with him, when this spurious and self-constituted house adjourned.

During all this time, the democratic members, *fifty-six in number*, proceeded in the manner prescribed by law to the election of a Speaker, which honor devolved on William Hopkins, of Washington county, who ascended the platform, the minority Speaker giving way to him as if in acknowledgment of his having acquired the station illegally. Mr. Hopkins had the necessary oaths administered to him by Mr. Smith, of Franklin; and all the members then severally took and subscribed, in accordance with the constitution and laws, the usual oaths in the test books which have always been used on similar occasions. After transacting the customary business, the House of Representatives then adjourned.

The startling design announced in the proclamation of the ex-Secretary, of treating the election as if it had not occurred, together with the well founded and uncontradicted rumors of the intended suppression of the legal returns, and that men from different sections of the commonwealth would be here to carry out these designs, had naturally arrested the attention of numbers of citizens, who were thereby induced to repair to the seat of government to witness the denouncement of a project so revolutionary and novel. Much indignation was doubtless entertained by the citizens here assembled at witnessing the unhallowed means employed for the purpose of defeating the public will, a feeling which was, however, the spontaneous production of an indignation as justly excited as it was honorable.

The democratic members continued to meet and transact the usual business in the hall dedicated to the purposes of legislation, having constantly a quorum, and on Monday, December 17th, received an accession in the persons of Messrs. *Butler* and *Sturdevant* of *Luzerne*, and Mr. *Montelius* of *Union*, who, under solemn conviction of duty, left the seceders who were following in the wake of Mr. *Stevens*, presented themselves before the House of Representatives, and took the oaths required by law.

The federal members in the meantime, as appears by the testimony of Mr. Montelius, met in obscure places, unknown to the people, and not recognized by any written law, refusing to take their seats and enter upon the fulfilment of their duties in the hall designed for that purpose, until the House of Representatives was recognized by the Senate, a majority of which is composed of their political friends. This took place on the 25th of December, after which, shorn of all power, either for good or evil, they successively returned to the post of duty, with the exception of their great leader, Mr. *Stevens*, who returned the trust confided to him into the hands of his constituents.

Your committee deem it necessary to advert briefly to the scenes which occurred on the 4th of December, in the Senate chamber, which afforded such copious topics of denunciation against the citizens, who had been attracted thither by the startling annunciation of the ex-Secretary. It is not in order to speak of the arbitrary course pursued by the speaker of that body, nor of their refusal to call upon the Secretary for the returns in his office; if it were, we could show that the spectators had every reason to be indignantly aroused; we have examined however several witnesses on the subject, and so far from their being any just ground of apprehension, it is an undeniable fact that several of the federal senators appeared in their seats on the morning subsequently to the alledged outrages, before the so called *mobites* had dispersed, and they were unmolested, this your committee deems a satisfactory refutation of the unfounded allegation, that the peaceful action of the Senate was interrupted or the personal security of its members jeoparded. In relation to that branch of the duty enjoined upon your committee, which directs an inquiry into the necessity for the presence of the military at the seat of government, they would respectfully beg leave to present in connexion with the foregoing statement, the following plain, unvarnished detail of facts. The soldiers from General Patterson's division, made their appearance in Harrisburg on Saturday, the ninth of December; now it is an undeniable truth, that at least three day *before* the arrival of the troops, the town of Harrisburg was the scene of undisturbed harmony and order, with scarcely more than the usual degree of excitement within her borders. It is not less a matter of history, that these citizen soldiers, upon their arrival expressed dissatisfaction at the mis-statements which had been officially imposed on them. So far from finding the capitol of the state besieged by "an armed, lawless and infuriated mob," they found it in a state of tranquility and of peace. So far from finding "their representatives interrupted and overawed," they found them in the peaceful and unmolested exercise of their legitimate functions. They had however, been summoned hither under the requisitions of the commander-in-chief of the militia of the commonwealth, and as faithful citizens, and devoted soldiers, they obeyed the call of their duly constituted military superiors, although the crusade in which those superiors were embarked was illegal and unwarrantable.

But strange to relate, notwithstanding the prevalence of uninterrupted peace, the requests of Gen. Patterson and of the soldiery for a speedy disbandment were disregarded, and they were retained at the seat of government for an entire week, when no earthly motive could exist for their retention, except it was to overawe the representatives of the people and interfere with their legitimate duties. On the departure of these troops, others were marched to the seat of government from the neighboring county of Cumberland, although no possible necessity existed for their presence, or the least appearance of justification or excuse for the order which was given. The constitution of the commonwealth makes the Governor commander-in-chief of the militia, except when in the service of the United States, and



The sixty-second section of the act passed in 1822, provides that the militia of this commonwealth may be called into actual service by the governor thereof, in case of rebellion or of an actual and threatened invasion of this or any neighboring state. There is no allegation in this instance, that our commonwealth was *invaded* or *threatened to be invaded*. Then the question arises, was there a rebellion? because, if there were no rebellion or invasion then it follows that the governor acted unconstitutionally and illegally in calling the troops into the service of the state. A rebellion is correctly defined to be "the taking up of arms traitorously against the government," and it is also defined to be "an insurrection against lawful authority." There is no evidence, neither is it true that the democratic citizens who have been denominated "*rebels*" did any acts of this character, they came to the seat of government from motives of curiosity, and when here did no act except such as was calculated to protect the constitution and laws from the treasonable practices of those who declared that they would treat the election as if they had not been defeated, or in other words set at nought the *lawful* authority of the people and erect a government in violation of their wishes, and in direct hostility to the constitution and laws.

The testimony clearly shows that the conduct of these citizens, thus assembled, was calculated to protect the laws and defend the government, they threw no obstructions in the way of any existing law, but manifested a peaceful intention to maintain their own principles and rights; rights which were wantonly and daringly assailed; rights bequeathed by the inestimable legacy of their forefathers, to defend and maintain which, they employed no means to which the constitution and laws do not eminently afford their best and holiest sanction.

The employment therefore, of these troops, by the late Governor, will be regarded in all time to come, as the last miserable efforts of a corrupt administration, to retain its illgotten power. It will be pointed at, as a striking illustration of the maxim, "that power sometimes forgets right," and this may be said to be universally true, where that power is under the governance and direction of wicked and corrupt advisers. But the remembrance of these scenes, into which your committee was directed to inquire, will ever present the gratifying fact that the representatives of the people, successfully maintained the sacred principles of republican liberty, against the combined efforts of unprincipled men, aided by the strong hand of military power. While this is matter of congratulation, the sober fact, that the money of the people has been taken to pay troops, thus iniquitously brought into service, will redound to the disgrace of the late administration, as long as that administration will be remembered. But this is not the only expense to which these scenes have led; near a month of the beginning of the present session of the legislature, was entirely lost for all unusual purposes of legislation, in consequence of the late governor and senate, refusing to recognize the legal and constitutional house of representatives, thus retarding legislation, by preventing it from exer-

cising its customary duties, and contributing thereby, to the necessity which existed for an extra-session of the legislature, the burden of paying for which, falls upon the people of the commonwealth. Your committee are aware, that it is impracticable to dwell at length on each feature of the political drama, the scenes of which they were directed to investigate; they are also aware, that the testimony taken, is not a tithe of that which might have been collected, if time and opportunity had permitted. It must also be apparent to all, that frauds and crimes, such as have been committed at, and subsequent to the late election, are exceedingly difficult to be proved. They partake of the nature of their own darkness, and secret wickedness. They have, however, been enabled to lay bare, and expose the acts and frauds of the federal party, in relation to late election, by clear and unequivocal testimony. Your committee, before closing their report, by leave to present the following general conclusions, unavoidably resulting from the inquiry, to which they have applied much of their time and attention.

I. The difficulties which took place at the seat of government on the 4th day of December last, the day appointed for the meeting of the legislature, had their origin in a fraud concocted by certain federal return judges, in the county of Philadelphia, with the advice and co-operation of William B. Reed, the Attorney General of the commonwealth, and John G. Watmough, the sheriff of the city and county of Philadelphia, by which the regularly elected members of the house of representatives, were iniquitously attempted to be deprived of their seats; a fraud which Thomas H. Burrowes, secretary of state under Governor Ritner, and Thaddeus Stevens, one of his canal commissioners, and a member of the house from Adams county, attempted to consummate the former, by suppressing the legal election returns of said county; and the latter, by attempting to organize the legislature in a manner unknown to the constitution and laws.

II. No necessity existed, at any period, for calling into service, the military; on the contrary such call was made by ex-Governor Ritner, in the absence of every semblance of necessity, and was manifestly a stretch of power, in derogation of the plainest dictates of law, justice and humanity.

III. If, in point of fact, there was such a disturbance at the seat of government, as is alleged, then it was clearly the duty of those in power, to call upon the civil authorities to suppress it. The law points out the mode; and Gov. Ritner's attorney-general advised that course to be taken. No such application was made, although the courts of justice and officers of the law, were in the free and undisturbed exercise of their usual duties. The constitution ordains, that "the military shall, in all cases and at all times, be in strict subordination to the civil power." The order, therefore, calling out the troops was unconstitutional and illegal, and there being no necessity for their presence at the seat of government, the conclusion is irresistible, that they were called into service, to aid and assist the enemies of republican-



ism in organizing a legislature, in violation to the constitution and laws, and contrary to the wishes of the people of this commonwealth.

Your committee have thus as briefly as possible reviewed the evidence, and made such comments thereon as they deemed necessary to elucidate the subject. They regret the necessity which induced this examination and enquiry. The result presents a page in our history which the lover of his country would willingly obliterate forever. The astounding fact, that the capitol of the commonwealth, in a time of quiet and of peace, and when her legislature were occupying these sacred halls appropriated to the business of legislation, should be surrounded by bands of armed men, by the order of her Governor, is humiliating and mortifying. There are, however, some consoling circumstances connected with this event,—*He never was the choice of the people of the commonwealth, and his advisers were neither Pennsylvanians by birth or in feeling.* They sought to advance their own selfish and sordid interests, at the expense of the honor and integrity of our beloved commonwealth.

But they signally failed: the calm, stern operation of reason and of law, prostrated their unhallowed designs, and has left them on a barren shore, neglected and despised. May these scenes serve as a lesson in all time to come, and obliterate forever all those practices, by whatever specious name they may be called, which strike at the foundation of republican liberty, which proclaims that the will of the majority shall govern.

*Resolved,* That the committee be discharged from the further consideration of the subject.

## JOURNAL AND TESTIMONY.

The committee appointed by the house of representatives of Pennsylvania to inquire into the causes of the disturbance at the seat of government, on the 4th of December, 1838, met in the North committee room of the State capitol, on the 14th of March, 1839.

Present—Messrs. Snowden, chairman, Flenniken, Roberts, T. S. Cunningham and Long.

The committee organized by the election of E. K. Boas, as secretary.

A motion was then made and seconded that the committee proceed to the examination of Col. J. J. McCahen,

Which was agreed to.

Messrs. T. S. Cunningham and Long, offered a protest in writing objecting to the competency of Col. J. J. McCahen as a witness, which,

On motion of Mr. Flenniken,

Consideration postponed for the present.

Col. John J. McCahen was then called before the committee, and sworn.

Question by the chairman, Mr. Snowden.—We wish you to state the origin of the difficulties at the election in the county of Philadelphia, in October last.

Answer.—At the fall election on the night of the 9th of October last, from what I could learn relative to the registering of the voters names, and from other matters appertaining to the election, I in connexion with other citizens were of the opinion that the manner in which the election would be conducted in the incorporated districts of the Northern Liberties, the districts of Spring Garden and Moyamensing, would be unfair. During the election day, or a portion of that day, I was at the election in Spring Garden; after the election was over that night; I remained until near day-light to ascertain the result. Having heard the result of the ticket generally, I went over to the commissioners' hall, in the Northern Liberties; I tried various means to obtain the result of the election in the Northern Liberties, and applied to some of my political friends and desired them to obtain the result for me.—I could not obtain them; nor did I ever hear the actual returns of the Northern Liberties, as reported by the judges up to the 12th of October; I could not, nor any of my friends, obtain the result of the election in that district; in consequence of representations that were made to me of the unfair manner in which the election was conducted in that district, and we could not expect a fair return of the district from the judges; I was induced by political friends to



resign my station in the post office, in order to qualify myself to be a clerk to the return judges that were to meet at that day—I was chosen one of the clerks of the return judges, and was present during the whole sitting of the judges, until by a regular motion regularly carried, they adjourned, sine die; this was at the State House. In consequence of the charges of fraud, and testimony taken upon that subject before the return judges, a resolution was adopted, refusing to receive the returns of the incorporated district of the Northern Liberties; certificates were made out of the amendments of the constitution, governor, sheriff, county commissioner, auditor, senators and members of the house of representatives—the certificates set forth in the usual form that Charles Pray, John W. Ryan, Miles N. Carpenter, Thomas H. Brittain, Abraham Helfenstein, J. W. Nesbitt, Thomas J. Heston and Benjamin Crispen, appeared to have the highest number of votes, and were duly elected members of the House of Representatives; Charles Brown and Samuel Stevenson were elected senators. The certificates were signed by ten out of the seventeen return judges in the presence of the others—two copies were made out, one to be deposited with the court of common pleas, and one to be given to the sheriff; the same course was pursued in the returns of the first and third district for Congress. Notices were made out, and either sent or delivered, informing them of their election.

Samuel J. Robbins wrote the addresses on them, and by the consent of the judges, about 8 P. M. it was agreed that George W. Smick should take charge of said returns,—it was then dark, and deposit them next morning, one copy with the Sheriff, and one with Robert Morris, Prothonotary, and accordingly the next morning Mr. Smick a return judge, Mr. S. J. Robbins and myself met in the neighborhood of the state house, for the purpose of depositing the returns agreeable to arrangement, one set was deposited with the Sheriff and Prothonotary, “each” between 9 and 10 o’clock, A. M., after these returns had been deposited, in consequence of some information communicated to me I was induced to believe that the Sheriff would not do his duty impartially, a gentleman called upon me and said he believed that a copy of the returns should be sent by mail, I examined the law on the subject, and in order that they might be sent I called at the house of John G. Watmough on Sunday, the servant at first informed me he was in, but after I sent my name told me he was not in—I called the following day upon the sheriff, and desired him to give me the returns deposited with him by me, he replied that he had sent them to Harrisburg by a person in the cars that morning, impressed with the belief that a copy ought to go by mail, I made a copy of the entire returns with the exception of the county commissioner, in the Prothonotary’s office. At the instance of Samuel Stevenson, senator from the county, and others, I was induced to start for Harrisburg for the purpose of ascertaining whether the Secretary of the commonwealth had received the returns from the Sheriff, which he stated had been sent, after I arrived at Harrisburg on the 16th of October, Mr. Thomas L. Wilson, one of the editors of the Pennsylv-

vania Reporter, at my request, called with me upon the Secretary of the commonwealth, I asked the Secretary of the commonwealth if he had received the official returns of the county of Philadelphia—he stated that he had—I asked him when—he stated that he received them on Saturday by the hands of the deputy Sheriff, Mr. Hedges, I stated that those were not the official returns, he replied that he so regarded them, and paid the deputy sheriff his fees,—I asked him whether he received no other returns, he answered he had—-I asked him when, he replied on Monday evening from the hands of a gentleman, I desired to see them,—he showed me 6 or 7 papers, I was enabled to identify them as being the official returns by an indorsement which had been put upon them by my own signature, as attesting to the time they were deposited with the Sheriff—I told the Secretary those were the official returns, he replied that they were not brought by a deputy sheriff, and that he did not regard them as such; I told him the person who brought them was the authorized deputy of the Sheriff, I asked him whether he had not received a letter from the sheriff with the returns, he replied that he had; I know that the returns for members of the Senate and House of Representatives were among the returns in the hands of the secretary of the commonwealth.

Question by Mr. Cunningham—Were the returns of members of congress for the first and third districts among them?

Answer.—My impression was that the returns of the first and third Congressional district was among them, Paynter for the first, and Ingersoll for the third; I asked the Secretary if he did not regard these as the official returns, whether I might not take them; he seized them and said I could not, I left the returns with him.

Question by Mr. Flenniken.—Did you publish or make known the result of your interview with the Secretary of the commonwealth?

Answer.—I made it known generally, and it was published by a committee of the house before whom I was examined. Some days previous to the meeting of the legislature I obtained a letter of introduction from Mr. Wright of Wilkesbarre, to Mr. Sturdevant member elect from Luzerne county.

On motion of

Mr. Cunningham, committee adjourned, to meet on Monday, March 18th, at half past three o'clock.



MARCH 18th, 1839,

The committee met pursuant to adjournment. Present, all the members—examination of Col. John J. McCahen continued.—I left Philadelphia upon the afternoon of the 2nd December last, for Harrisburg; previous to my leaving I had a consultation with some of my political friends, as to the propriety of my being at Harrisburg upon the meeting of the legislature, it was the impression of my friends and self, that my presence at Harrisburg would tend to the settlement of the question at Harrisburg, fairly and justly; that I being so well acquainted with the facts of the case, could make a representation of them to the opposite party, with some of whom I was so well acquainted, that might prevent any difficulty in the organization. In the car which I travelled from Philadelphia to Lancaster, there were but two passengers whom I knew, Mr. John Benner of the city of Philadelphia, and a Mr. Watmar of the county; we reached Harrisburg on Monday morning between 9 and 12 o'clock. I made some inquiry to ascertain whether Mr. Purviance, representative from Butler county, had arrived; he had not, but arrived in the afternoon; I met him when the stage arrived, and had a conversation with him relative to our county returns, and represented the facts to him; I urged him not to be influenced by the conduct of Thaddeus Stevens. I subsequently showed him, before the meeting of the house of Representatives, a statement of the returns with and without the incorporated Northern Liberties; I told him and showed him, that if they took the minority returns from the county of Philadelphia, that the amended constitution would be lost. I had a conversation with Mr. Lloyd, claiming a seat from the county of Philadelphia, and argued with him about the policy of attempting to claim a seat, when he knew he had not a majority of the votes. I told him that if he again expected to be a candidate before the people, that his prospects must be prostrated; he replied that if he had consulted his own feelings, he would not be here a member, and that he did not expect to be a candidate; he also stated that our returns were informal and not in accordance with law, and referred to the law upon the subject. I thought I convinced him, that under any decision upon them we had complied with the law; I also conversed with Thomas S. Smith and Henry S. Spackman, they did not pretend to say that our ticket had not the majority, but that they could show frauds in the district of Kensington. I assured them that I believed the election was fairly conducted in that district, and that they had better not interpose to the Democratic members taking their seats. Up to the hour of the meeting of the house of representatives, at 11 o'clock A. M., I still had hopes that the gentlemen from the county, not elected members, would not expose themselves so much, as to claim their seats—I heard from persons in the hall of the house of representatives, that it was the policy of Mr. Stevens to create a disturbance; that people, from Halifax, the Gettysburg rail road,

and other parts of the public works were in the hall, and they would cry out seize Stevens, throw him out of the window and other such expressions; with a view to prevent a disturbance I went round the house with a number of my acquaintances in the house, and urged upon them to remain silent, and if any person uttered such cries, or any thing like them, to seize upon them; if they proved to be our friends they might take care of them; if opponents, to expose them. The time came and the secretary of the commonwealth presented a package of returns, which were read by the late clerk of the house, I did hear Mr. Stevens make a proposition in the house, that those who thought as he did might proceed to elect their speaker, and that those who thought different might do the same.

Ques. by Mr. Flenniken.—State to the committee what was said by a member of the house with regard to the certificate presented by Mr. Pray.

Ans. I do not recollect, it was the public impression that it was the intention of the whig and anti masonic members to organize the legislature without admitting the democratic members of either the Senate or House of Representatives; this I heard repeatedly, that it was their intention before the democratic members would obtain their seats, to elect a United States Senator, State Treasurer and Canal Commissioners, and to do other acts of legislation. I was justified in this impression by what I heard from the other party and my own party at the seat of government and elsewhere. I was present during the whole organization of the House of Representatives on the 4th of December last from the beginning to the end; the organization was rapid. Mr. Stevens made a proposition that Messrs. Watts and Zeilin act as tellers, and while they were calling the names of the members to vote, the late clerk was calling the list of members; there was some difficulty about the returns of the election from the county of Philadelphia; at a meeting of the return judges there was a motion made and carried, that in consequence of the alleged frauds that took place in the incorporated Northern Liberties, that the returns from these districts should not be received until it was ascertained that they were legal, in consequence of which witnesses were examined and a discussion took place. Charles J. Ingersoll, Charles Naylor, James Hanna and Charles Brown took part in the discussion.—The objection to the returns of the Northern Liberties were made by the return judges and Ingersoll and Naylor. It was alleged that frauds had been committed in five out of seven wards of the Northern Liberties, it was alleged that one of the whig judges had taken away one of the tally papers. It was stated that the inspectors of two wards being democrats were not permitted to know the result of the election, it was proved that the tickets were not called out, it was also proved that the judge of the 5th ward stated he would make that ward give a whig majority of two hundred, though it should give a democratic majority of two hundred—the name of this person is Hacker, a whig; the whole of the returns were thrown out and consequently Charles J. Ingersoll was elected, the name of the



witness who testified to this fact was John Abraham; it was proved that Mr. Bela Badger, one of the officers stated he would cheat; this was proved by Alexander Brown; by retaining the returns of the Northern Liberties Mr. Charles Naylor would be elected; he read a return before the return judges in which there was a difference of several hundred; it was proved by two persons who were officers of the election, that they had examined some of the boxes and refused others; I saw a number of persons here whom I knew from the county of Philadelphia at the meeting of the legislature; I was not privy to their coming, but I suppose they were anxious to see fair play with their representatives; I do not know whether they were paid or employed to come here; I heard one say that he was armed; I was armed on that day; when I travel I carry pocket pistols, those were the only arms that I carry; there was a meeting of the democratic party at Holahan's previous to the meeting of the legislature to take legal steps with regard to what course to pursue; the object of this meeting was to prosecute six judges for perjury &c. I was there at that meeting, there was nothing said about the matter of the difficulties at Harrisburg; there was a statement made and published relative to the returns, which was re-published in the Pennsylvania Reporter previous to the meeting of the legislature. Henry Horn was President; Charles J. Ingersoll was at the meeting and I think made some remarks.

Question by Mr. Long—Was there not a determination on the part of the prominent members of the Van Buren party, that the eight democratic members from the county of Philadelphia should take their seats without an investigation?

Answer. I understood that there was a determination on the part of the representatives from the county to come here and take their seats; in consequence of representations made to me, I advised them to pursue this course.

Question by Mr. Long—Was it not an understanding that a number of persons came here from the county of Philadelphia to force the democratic members in their seats?

Answer. They came here to see that their members obtained their seats lawfully.

Question by Mr. Long—Was it not their determination, if opposition had been made to take their seats, to force them in their seats?

Ans. I know of no expression to interrupt the members of the house in their proceedings, if the returns had not been transmitted by the secretary of the commonwealth.

Ques. by Mr. Long—Did you not accompany the Speaker, Mr. Hopkins, to the platform at the time he was elected?

Ans. I did not.

JOHN J. M'CAHEN.

Sworn and subscribed May 24th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Cunningham,

Committee adjourned until half past 3 o'clock on Wednesday, the 20th of March.

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WEDNESDAY, March 20th, 1839.

Pursuant to adjournment, committee met.

Present: Snowden, Roberts, Cunningham, Flenniker, and Long.  
There being no witnesses in attendance, committee

Adjourned to meet on Friday, March 22d, at 3 o'clock P. M.

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FRIDAY, March 22d, 1839.

Pursuant to adjournment, committee met.

Present: Snowden, Roberts, Flenniken, Cunningham, and Long.  
No witnesses in attendance, committee

Adjourned to meet on Monday, March 25th, 1839, at 3 o'clock P. M.

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MONDAY, March 25, 1839, 3 o'clock P. M.

Pursuant to adjournment, committee met.

Present: All the members.

Mr. Long being excused by the House, Mr. Zeilin, of Delaware, was substituted.

Leave being granted to the committee to sit during the recess, the committee,

On motion,

Adjourned to meet in Philadelphia, "at 3rd street Hall," on the 12th of April, 1839.

PHILADELPHIA, April 12, 1839.

Pursuant to adjournment at Harrisburg on the 25th of March, A. D. 1839. The committee met at the "Third street Hall," and adjourned to meet to-morrow morning at 10 o'clock.

April 13, 1839. Committee adjourned to meet to-morrow morning at 10 o'clock.

April 14, 1839. Committee adjourned to meet to-morrow morning at 10 o'clock.

April 15, 1839. Committee adjourned to meet to-morrow morning at 10 o'clock.

April 16, 1839. Committee met. Present Snowden, Roberts and Zeilen.

Isaac Abraham, Jr. being called before the committee and sworn—I am constable of seventh ward, Northern Liberties. Mr. Daniel Leisnring called on me, and stated, that Mr. Badger wished to see me—I went to see him; he took me into a room, and asked me if I wished to make money—he told me, he would give me two hundred dollars if I would reduce the majority of the seventh ward, fifty votes, he asked me if I could put in fifty votes of the whig ticket—I went to my friend next day and told him what had taken place. Mr. Badger waited on me next day, promised to give two hundred dollars that day, but had no money out of bank. He told me to call at Black Bear tavern, 5th street, and he would give me the money—I met him there, he took me into the Horse stable, took out his pocket book, would not give me more than \$50—five tens on the Penn Township bank,—he calculated that the democratic ticket would have 280 majority, and for every ten under that, he would give me \$50; told me to call at his house that evening, and he would give me tickets—Ritner and Naylor tickets—some folded and some not folded. I took them to Mr. Grim's house, he has them to this day. I did not intend to do as Mr. Badger wished me to do; this was I suppose, five weeks before the election, he told me to do all I could for Mr. Naylor. Mr. Bela Badger was one of the return judges of the election; I received this money about three weeks before the election; I told Daniel Jeffries, Daniel Smith, John Grim, John Paynter, the circumstance; they told me to get all I could out of them; and I also told them, immediately after I had got the money, Mr. Badger said I had a chance to put the tickets out to people after dark, or evening of the election, on my democratic friends, and to people that could not read. He sent men there in the evening to put out the lights in my ward; Bully Mowry, &c.; I do not know that he sent them, but seen them at his house; this reward was not to interfere with the ballot boxes; I considered this as a bribe, to make votes for the whig cause; I performed no services; I returned no part of the money, kept it, and have it yet. Mr. Grim lives at the corner of Charlotte and Poplar



place. After the adjournment, I went with the judges and most of the candidates to take some refreshments ; according to appointment, I went down and met Mr. McCahen and Smick, we went to Mr. Holihan's—Mr. Smick handed me the packets containing the returns; we there put an endorsement upon them in the back room ; the endorsement stated that the returns were delivered to the sheriff, at 9 o'clock 45 minutes, A. M. This endorsement was signed by Mr. Smick, McCahen and myself. We then went over to the sheriff's office with the papers—sheriff was not there himself ; left them with the deputy, Mr. Wolf, in the office of the sheriff, stating that they were the returns of the county for Governor, for the amendments to the constitution, for sheriff, for county commissioner, for auditor, for the vote for congress, for the first congressional district, do. for third do., returns of county for senators, do. for assembly ; one copy of each was deposited with the prothonotary of the county, all signed by the ten judges.

After the company had adjourned, I was met in Chesnut street by a gentleman who told me, (think it was Joel Cook,) that some of the judges wanted to see me. I went with him into the state house into the United States court room, (this was about 10, P. M.) there found six of the return judges, Wm. G. Conrow, Bela Badger, Wm. Sherman, Wm. Wistar, Mr. Smith, and a gentleman from Oxford township, and others, to wit: James Hanna, George R. Smith, neither of these participated ; judge Norris was also there, Wm. J. Crans also, Wm. Lloyd also present, and Benjamin Hedges. The judges stated that they had taken legal advice in relation to the manner in which the returns had been made out ; they considered that the return judges had no right to reject the Northern Liberties ; they asked me if I had the papers according to the returns of that day, I told them I had—they were advised that they were justified to make separate returns. They asked me for the use of the papers for that purpose ; they used them only to ascertain the vote of Blockley township; the judges of that township not being present, the only district embraced in their returns, for the district tickets, the city, the incorporated Northern Liberties, Spring Garden, Moyamensing, Blockley, Germantown, Bristol and Oxford. Their county return embraced all except the city, and is numbered 3, No. 4 the assembly return, the returns signed by the six judges ; after that they were enveloped in the usual manner, and endorsed as delivered to the sheriff at *blank* o'clock, and deposited with Mr. Badger to be delivered with the sheriff, all made up before 12 o'clock ; a few minutes before 12, the return for Blockley was not there, they might have taken all from my papers. Witness produced the original general return from which the returns were made ; they agreed with a trifling exception ; they were made to agree. The returns for senators were addressed to the Speaker of the Senate instead of the Senate ; this error was accidental.

The reason why we did not hand over the returns made by Mr. McCahen and Smick and self, was because the offices were closed, after the Northern Liberties had been rejected, the seven judges par-

CONGRESS--FIRST DISTRICT.

Joel B. Sutherland,

2994 || Lemuel Paynter,

3675

CONGRESS--THIRD DISTRICT.

Charles Naylor,

6669 || Charles J. Ingersoll,

5894

Compiled from the original papers,

SAMUEL J. ROBBINS.





Of the actual vote given in the city and county of Philadelphia, for all the candidates at the General election, held on the ninth day of October 1839.

## CITY AND COUNTY OF PHILADELPHIA.

## GOVERNOR.

Joseph Ritner,

16502 || David R. Porter,

13313

## AMENDMENTS.

For the Amendments,

13526 || Against the Amendments,

14944

## SHERIFF.

Daniel Fidler,  
Thomas Hart,15838 || Daniel Smith,  
15802 || Isaac W. Norris,13847  
13824

## COUNTY COMMISSIONER.

Jonathan Johnson,

16348 || William Piersol,

13339

## AUDITOR.

George Norton,

16388 || Robert F. Christy,

18197

## COUNTY OF PHILADELPHIA.

## SENATORS.

James Hanna,  
William Wagner,9465 || Charles Brown,  
9490 || Samuel Stevenson,  
|| In place of A. M. Peltz, deceased.10036  
10010

In place of A. M. Peltz, deceased.

## ASSEMBLY.

Michael Day,  
Adam Woelpper,  
William F. Hughes,  
William Loyd,  
William J. Crans,  
Samuel F. Reed,  
Benjamin R. Meers,  
Jesse F. Smith,9393 || Charles Pray,  
9538 || John W. Ryan,  
9546 || Miles N. Carpenter,  
9422 || Thomas H. Brittain,  
9557 || Abraham Helfenstein,  
9554 || John W. Nesbitt,  
9411 || Thomas J. Heston,  
9426 || Benjamin Crispin,10030  
9942  
10034  
10072  
9948  
9949  
9952  
10096

## CONGRESS—FIRST DISTRICT.

Joel B. Sutherland,

2994 || Lemuel Paynter,

3675

## CONGRESS—THIRD DISTRICT.

Charles Naylor,

6669 || Charles J. Ingersoll,

5894

Compiled from the original papers,

SAMUEL J. ROBBINS.



Page

4

House of Repre-  
sental Election  
h ninth day of  
C

Total.

9	6344
9	6426
7	6432
7	6355
7	6442
6	6455
7	6346
7	6372
3	4812
4	4757
6	4814
6	4849
2	4771
4	4770
4	4779
5	4849

J. ROBBINS.





General return of votes for Representatives of the county of Philadelphia, in the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, at a General Election held at the several election districts in the county of Philadelphia, on Tuesday the ninth day of October, A. D. 1838.

Persons voted for.	Incorporated Northern Liberties.	Spring Garden.	Moyamensing.	Blockley.	German town.	Bristol.	Oxford.	Foul.
Michael Day,	2131	1634	466	208	482	144	279	6344
Adam Woolpper,	3184	1643	490	206	481	145	279	6426
William F. Hughes,	3182	1640	490	208	481	145	277	6432
William Loyd,	3143	1637	466	206	481	145	277	6335
William J. Crans,	3180	1641	511	207	481	145	277	6442
Samuel F. Reed,	3181	1642	523	207	481	145	276	6455
Benjamin R. Meers,	3134	1637	466	2 8	482	142	277	6346
Jesse F. Smith,	3151	1637	465	206	481	145	287	6372
Charles Pray,	2160	1337	381	207	381	123	223	4812
John W. Ryan,	2125	1339	359	206	381	123	224	4757
Miles N. Carpenter,	2165	1334	380	207	379	123	226	4814
Thomas H. Brittain,	2173	1337	401	207	382	123	226	4840
Abraham Helfenstein,	2131	1338	368	207	382	123	222	4771
John W. Nesbitt,	2131	1341	365	206	382	123	224	4770
Thomas J. Heston,	2133	1339	367	212	381	123	224	4779
Benjamin Crispin,	2174	1339	400	207	381	123	225	4840

A true copy of the original,

SAMUEL J. ROBBINS.





General return on wealth  
of Pennsyal Election  
held at thinth day of  
October A

Total.

Pers

James Har	6288
William V	6308
In place of A	
Charles B	4858
Samuel St	4839
In place of A	

BBINS.

PHILADEL



General return of votes for Senator in the Senate of the General Assembly of the Commonwealth of Pennsylvania, for the district composed of the county of Philadelphia, at a General Election held at the several election districts in the county of Philadelphia, on Tuesday the ninth day of October A. D. 1838.

Persons voted for.	Incorporated Northern Liberties.	Spring Garden.	Moyamensing.	Blockley.	German town.	Bristol.	Oxford.	Total.
James Hanna,	3135	1612	415	208	500	144	274	6288
William Wagner,	3147	1612	422	207	502	144	274	6308
In place of A. M. Peltz, deceased.								
Charles Brown,	2156	1356	422	206	363	126	229	4858
Samuel Stevenson,	2140	1353	421	207	363	126	229	4839
In place of A. M. Peltz, deceased.								

A true copy of the original,

SAMUEL J. ROBBINS.

PHILADELPHIA, April 25, 1839.





General return Pennsylvania,  
for the district at the sev-  
eral Election October A. D.  
1838.

	Persons voted for	West Philadelphia.	Total.
James Hanna,	88	89	6330
William Wagner,	88	89	6343
For the unexpired A. M. Peltz,			
Charles Brown,	18	123	7880
Samuel Stevenson,	18	123	7870
For the unexpired A. M. Peltz.			
Wm. Loyd,			

ROBBINS.

PHILADELPHIA,

- Samuel F. R. 373
- Benjamin R. 277
- Jesse F. Smi 275
- Charles Pray 870
- John W. Ry 817
- Miles N. Cap 869
- Thomas H. 899
- Abraham Hel 837
- John W. Ne 818
- Thomas J. H 819
- Benjamin Cr 922
- H. Corbit,
- D. Bender,

PHILADELPHIA





General return of votes for Senator in the General Assembly of the Commonwealth of Pennsylvania, for the district composed of the county of Philadelphia, at a General Election, held at the several Election Districts in the county of Philadelphia, on Tuesday the 9th day of October A. D. 1838.

Persons voted for.	Incorporated Northern Liberties.	Spring Garden.	Kensington.	Southwark.	Moyamensing.	Passyunk.	Kingsessing.	Blockley.	Roxborough.	Germanown.	Bristol.	Lower Dublin, Ryberville and Moreland.	Oxford.	Unionport and Northern Liberties.	Penn Township, north.	Penn Township, south.	West Philadelphia.	Total.
James Hanna,		1612	995	1690	415	54	48	208	208	500	141	347	274	124	44	88	89	6330
William Wagner,		1612	996	1693	422	54	48	207	295	502	142	343	274	124	44	88	89	6343
For the unexpired term of																		
A. M. Peltz,																		
Charles Brown,		1356	1787	1541	422	155	136	206	405	563	126	378	229	287	268	118	123	7889
Samuel Stevenson,		1353	1783	1539	421	155	136	207	405	563	126	377	229	287	263	118	123	7870
For the unexpired term of																		
A. M. Peltz.																		
Wm. Lloyd,		1																

A true copy of the original,

SAMUEL J. ROBBINS.

PHILADELPHIA, April 25 1839.

Received of the Treasurer of the County of ...  
for the ... of ...  
and ...

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Page 29

General re-  
sentative ec-  
tion, held ay  
of Octobe

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Persons v

---

Michael Day, 262  
Adam Woelp, 354  
William F. H, 364  
William Loy, 279  
William J. C, 377  
Samuel F. R, 373  
Benjamin R, 277  
Jesse F. Smi, 275  
Charles Pray, 370  
John W. Ry, 317  
Miles N. Car, 369  
Thomas H. I, 399  
Abraham Hel, 337  
John W. Ne, 318  
Thomas J. H, 319  
Benjamin Cr, 322  
H. Corbit,  
D. Bender,

PHILADE





General return of votes for Representatives of the county of Philadelphia in the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, at a General Election, held at the several election districts in the county of Philadelphia, on Tuesday the ninth day of October, A. D. 1838.

Persons voted for.	Incorporated Northern Liberties.	Spring Garden.	Kensington.	Southwark.	Moyamensing.	Passyunk.	Kingsessing.	Blockley.	Roxborough.	German town.	Bristol.	Lower Dublin, Byberry and Moreland.	Oxford.	Unincorporated Northern Liberties.	Penn Township, north.	Penn Township, south.	West Philadelphia.	Total.
Michael Day,	1634	875	1083	466	57	50	208	301	482	144	340	279	122	47	86	88	6262	
Adam Woelpper,	1643	897	1119	490	57	50	206	301	481	145	341	277	123	47	86	91	6354	
William F. Hughes,	1640	895	1120	499	58	50	208	301	481	145	343	277	123	47	86	91	6364	
William Loyd,	1637	880	1092	466	57	50	206	301	481	145	340	277	123	47	86	91	6279	
William J. Crans,	1641	895	1133	511	56	50	207	300	481	145	334	277	123	47	86	91	6377	
Samuel F. Reed,	1612	896	1112	523	56	50	207	301	481	145	336	276	123	48	86	91	6373	
Benjamin R. Meers,	1637	880	1092	466	57	50	208	301	482	142	339	277	122	47	86	91	6277	
Jesse F. Smith,	1637	882	1092	465	57	50	206	301	481	145	331	287	117	47	86	91	6275	
Charles Pray,	1337	1799	1562	381	153	138	207	406	381	123	381	223	271	267	119	122	7870	
John W. Ryan,	1339	1787	1543	359	152	138	206	406	381	123	381	224	271	267	119	121	7817	
Miles N. Carpenter,	1334	1804	1560	389	153	138	207	405	379	123	382	226	272	266	119	121	7869	
Thomas H. Brittain,	1337	1801	1565	401	153	138	207	406	382	123	382	226	271	267	119	121	7899	
Abraham Helfenstein,	1338	1786	1547	368	153	138	207	406	382	123	383	222	277	267	119	121	7837	
John W. Nesbitt,	1341	1789	1534	363	153	138	206	406	382	123	381	221	271	267	119	121	7818	
Thomas J. Heston,	1339	1788	1534	367	153	137	212	403	381	123	381	224	271	267	118	121	7819	
Benjamin Crispin,	1339	1804	1561	400	153	138	207	406	381	123	307	225	271	267	119	121	7922	
H. Corbit,		1																
D. Bender,																1.		

A true copy of the original,

SAMUEL J. ROBBINS.





icipated so far as to report their vote, except Mr. Badger who was not permitted, they protesting against the whole proceeding, besides the returns that were signed by the ten judges; notices of the election of Charles Brown, Stevenson, as senators; and Pray and others as members of the house, were made out and handed to the persons elected, and such as were present. All the judges still remained present except Mr. Fraley of Blockley, who was unwell, these returns were offered to the six judges to sign or an opportunity was given for them to do so. I consider the returns ordinarily complete when a majority sign the return. I have officiated as the return clerk, &c. for 17 or 18 years, it is not customary for all the judges of the city to sign the returns.

Question by Mr. Zeilin.—Has it not been frequently alledged that the votes in the North Ward in the city, exceeded the number of taxable inhabitants, and in other districts of the city also?

Objected to, so far as respects the city, and not permitted to be answered by the witness.

There are more taxables in the county of Philadelphia then votes were given for the office of Governor, the vote given for governor is 19456, taxables as per last assesment for 1839 is 31539.

Incorporated Northern Liberties,	7782
Spring Garden,	4998
Kensington,	4672
Southwark,	4260
Moyamensing,	2074
Pasyunk,	368
Kingsessing,	310
West Philadelphia,	284
Blockley,	707
Roxborough,	1214
Germantown,	1209
Bristol,	357
Byberry,	243
Moorland,	111
Lower Dublin,	738
Oxford,	839
Unincorporated Northern Liberties,	602
Penn,	771

As certified to the superintendent of the public schools in Manayunk, part of the township of Roxborough, perhaps half of the tax list not voters. Witness produced a paper showing the actual vote given in the city and county of Philadelphia, for all the candidates at the election in October, 1838. [See No. 5.]

SAMUEL J. ROBBINS.

Sworn and subscribed the 17th April, 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

CHARLES HINKLE, affirmed.

Says, a few days before the general election, at a meeting of the judges, &c. for the correction of the registers of the 4th ward, Northern Liberties, this was in third street, Mr. Badger was there, he was a judge of the election, Mr. Kimber, inspector, and the constable Charles Roberts, and several others; there was a person came to be registered. (Witness produced a book by which they corrected the registry.) Some person came to be registered, a question was raised as to his right to be placed on the registry. We on the out side had something to say; do not know whether for or against. Mr. Badger said we had nothing to say, they were judges of their own business; if you will let your man alone, (meaning Mr. John Miller,) he would have given us fair play; Mr. Miller had the book containing the names, and correcting the names in same manner of the officer; Mr. Alexander Brown had something to say, and saying to Mr. Badger, "then you do intend to cheat us," he (Badger) replied, "yes, now I will cheat you, and would place all the obstacles in the way he could," the judges gave no information of the election, although a candidate for inspector on the democratic ticket; I never learned what number of votes I received.

CHARLES HINKLE.

Affirmed and subscribed before me the 17th of April, 1839.

JAMES R. SNOWDEN.

Chairman.

Mr. Hinkle is discharged from further attendance.

On motion,

Adjourned, until to-morrow morning at 10 o'clock.

April 18, 1839.

Committee met agreeably to adjournment, and

Adjourned to meet to-morrow morning at 10 o'clock, A. M.

No witnesses in attendance, and subpoenas not returned.

April 19, 1839.

Committee met, agreeably to adjournment.

WM. B. REED, Esq. sworn.

Witness denies the right to be examined.

All that I now remember is, that after the disturbances occurred at Harrisburg, Col. John L. Wolf brought to my office a letter from the Governor to Gen. Patterson, it was a requisition calling out the troops to suppress the insurrection at Harrisburg, I think, but am not



certain, that there was also a letter from the Governor to Col. Wolf, there was in one or the other letter a direction to confer with me as the Attorney General, and I think there was a discretion given to me or Col. Wolf to withhold the order until the next mail or until they heard from Harrisburg, nor will I be very certain whether this discretion was not exercised by me without authority, considering the step of course an important one, and feeling that a full share of the responsibility rested upon me as the legal adviser of the Governor, I thought it best to pause until further intelligence should be received. I was in constant communication with the Secretary of the commonwealth, not officially. I desire to be distinctly understood to say, that I then approved and still do approve of the action of the executive in calling out the troops, and whatever responsibility there is, I desire to share it. My absence from the seat of government prevented my being consulted, but had I been at Harrisburg I should have approved of the measure; the next day I received such intelligence by letter to me or communicated to me by Mr. Wolf as induced me to think the order ought to be delivered; the letter to Mr. Wolf constituted him an aid for the execution of this order.

As Mr. Wolf was directed to confer with me, I considered the matter in my hands as the adviser, I presented the order to Gen. Patterson at his house in the evening, having delivered the order to the General I considered my duty was done, having nothing to do with military details; I used no arguments to Gen. Patterson to induce him to obey the order; I should have thought it an insult to have done so to a military officer; he expressed no hesitation in obeying the order; I was anxious that the troops should get off as soon as possible; I saw Gen. Patterson two or three times about it; I saw Mr. Stevens before the meeting of the legislature, at Philadelphia; none of the canal commissioners being here; saw Mr. Stevens at the United States hotel, he dined with me; there was conversation on the subject of the county election; we spoke on the subject of the two returns; I considered the whig ticket elected and think so still; it was my opinion as the legal adviser of the Governor, I thought that the return signed by the six judges was the legal return of the two. I advised the whig members to go to Harrisburg and take their seats. I was consulted professionally on the afternoon of the meeting of the return judges, they expressed no unwillingness to go to Harrisburg; I had correspondence on this and on other subjects with Mr. Burrows both before and after the election, he acknowledges the fact of having received the return signed by the ten judges, it was understood by me that the minority return signed by the six judges should be sent to the House of Representatives, this became the more necessary, because as I understood from the Secretary of the Commonwealth that Mr. McCahen, the return clerk, told him that the first return signed by the ten judges were not legal returns, I saw Mr. Burrows at Harrisburg before the meeting of the legislature, and saw him I think at Philadelphia; the senate return was made out according to professional instruction.

[See No. 1, of April 23, 1839.]

APRIL 20, 1839.

Subpœna issued for Daniel Hotz, Daniel Jeffries, J. B. Kline, John Abrahams, Henry Simpson, Michael D. Waterman, Joshua Fletcher, Geo. Wartnaby.

Returnable on Monday, the 22d inst.

On motion,

The committee adjourned to meet again at 9 o'clock to-morrow morning.

No witnesses in attendance.

APRIL 23, 1839.

Examination of Wm. B. Reed, Esq., continued.

It was moved and seconded that the committee proceed to the further examination of Wm. B. Reed, Esq.

Agreed to.

Wm. B. Reed, Esq., appeared, read a statement of his testimony, which he desired to place upon the records of the committee.

On motion of Mr. Cunningham,

It was moved and seconded, that the statement made by Wm. B. Reed, Esq., be received and placed upon the proceedings of the committee.

Not agreed to.

The committee then proceeded to the examination of Wm. B. Reed, Esq.

Having been interrogated relative to my knowledge of what took place before the return judges, I desire to state all I know concerning the meeting of the return judges. At the time the return judges were in session, I was at court attending my business; there was a great concourse of persons and a great excitement in and about the state house. In the latter part of the morning, I was applied to, to attend as counsel before the return judges; it was not by one of the return judges; do not remember who made the application; I was informed that Mr. Ingersoll and Mr. Charles Brown were there; that Mr. Ingersoll was making a speech, and that some of the return judges were examining witnesses; I refused to go in, and stated that I would not sanction by my presence the intrusion of any person before the return judges; I recommended, in case a disturbance should take place, that the police be sent for, and arrest those who should create a disturbance; late in the afternoon, I was applied to for advice and counsel. Having stated in my former examination that I was consulted professionally, I desire to say, that on reflection I do not consider the application made or advice given as professional. If I did so, I should not be



willing nor would the committee, being composed as I believe of five Lawyers, permit me to say so, I was consulted in connexion with Wm. M. Meredith, Esq. The gentlemen who waited upon me were Mr. Marshall Sprogeil and Mr. William J. Crans, they informed me that the returns of the Northern Liberties had been rejected. Our advice was this. That a return without the Northern Liberties (that return being rejected illegally as we thought,) would be illegal, and that the judges should never consent to sign a return excluding the Northern Liberties, that they should unite with the return judges in signing the return with the Northern Liberties included, that in case the Northern Liberties return was rejected, a demand should be made on each of the ten judges to exhibit his return from each of his districts, and from them after a personal examination a full return should be made, including the Northern Liberties and signed by the seven judges; but but if after a formal demand the ten judges or either of them, refused to exhibit their returns, that such of the judges as desired to do their duty, should prepare a return stating the fact of such refusal, and that their return was as perfect as they could make it. I recollect distinctly advising them to insist upon a personal examination of the returns, because I had reason to believe that one of the returns "the Kensington return," was not either a genuine paper or mutilated. I will further state that both Mr. Meredith and my own advice was given without going into the room of the return judges; and was sent by the gentlemen who called upon us, I had no consultation with either of the judges, I had a conversation with Mr. Hanna, I advised the sending of the returns by the Sheriff to Harrisburg on that evening. I was not attorney for the Sheriff, and had no conversation with him upon the subject. It was desired that these returns should be sent to Harrisburg in order to get there first, I mean the return including the Northern Liberties, because I considered them the best, this is the only reason why I desired these returns to go first. I thought that the returns sent by the sheriff should be received by the secretary of the commonwealth as the true returns, there are seventeen different districts in the county of Philadelphia,—the returns that I thought ought to get there first, included as I believe seventeen wards, I considered this as the better return because as I understood there was no district wilfully rejected; I mean to say—that the return judge of the Northern Liberties, offered his return which was rejected by a vote of the judges. I believe the return sent to Harrisburg was handed to the Sheriff before 12 o'clock that night. I went to Harrisburg on the 29th of November, remained there until the 30th, and returned on the 1st of December, during that time I attended no meeting of a political nature, formal or informal, being occupied at the Nicholson board of which I was a member. I had a conversation with Mr. Burrowes, and advised him to send the returns received by him from the special messenger of the Sheriff to the House, and if there were any other returns he should retain them until called for by a committee of the house. I took it for granted that the returns sent by the sheriff would elect Hanna and Wagner—this knowledge had not the slightest influ-

ence in my advice to the secretary of the commonwealth to send them to the House of Representatives. My impression is that during the time I was at Harrisburg Mr. Stevens was there. Between the election and the meeting of the legislature I attended no caucusses either with the members from the city or county of Philadelphia, if there were such caucusses as I take it for granted there were. I not being a member, had no invitation, nor was not there. I saw Mr. Hanna daily in court, Mr. Wagner called at my house after the election; I called to see Mr. Stevens at the United States Hotel. I had several conversations with him, but do not recollect what passed between us. On the morning of the 7th of December, I wrote a letter to the Governor, read it to General Robert Patterson on the morning of the 8th, and by him taken to Harrisburg and delivered, of which the following is a copy.

*Office of the Attorney General, }*  
Philadelphia, Dec. 7, 1838. *}*

DEAR SIR.—This letter will be delivered to you by major general Patterson, who repairs to Harrisburg in obedience to your orders with a portion of his division. On his arrival he will report himself to you.

The employment of the military after they are placed directly under your command is a matter of so much moment and delicacy that I feel it to be my duty to communicate to you the course which the law unquestionably authorises.

I recommend, that application be regularly made to the president judge of the court of Common Pleas, or in his absence, to some authorized magistrate, for warrants against the principal agents in the recent outrages, charging them with whatever offences the evidence authorises. These should be put at once into the hands of the sheriff or constable, with instructions to serve them, and at all hazards make the arrests.

The military force should be directed to co-operate with the civil officer in making the arrests. I have little doubts that so soon as the ringleaders are taken and properly secured that order will be effectually restored. I am unwilling to suppose that any magistrate would hesitate to commit or bind over, on such evidence as I presume can be adduced, but in any event heavy surety of the peace must be demanded.

The protection of the legislature and executive departments, whose functions are now suspended by violence, must also be ensured. This can be done not only through your orders but by the directions of the Speaker of the Senate. His authority to depute is clear.

As to the question which appears to be pending between the two bodies, each claiming to be the House of Representatives, it is clear that there should be no interference, each is entitled to the protection of the authorities, and each, so long as it does not interfere with the other is to be regarded as a peaceful assemblage of citizens, whose respective rights are hereafter to be determined.



The capitol should also be protected both within and without. That at the hour each claims for its session there should be no interruption.

This can, I presume, be easily and peaceably effected, the precise manner in which it is to be done, I of course at this distance do not pretend to indicate. I am without any intelligence to-night from Harrisburg.

I am with great regard, yours,

WILLIAM B. REED.

I was sent for by the Governor on the ninth, I went to Harrisburg on the 10th, and remained there until the 16th, the troops were at Harrisburg at the time.

Wm B. Reed read and presented a protest in which he denied the right of the committee to examine him, and desired the same to be entered on the proceedings of the committee.

Mr. Zeilen, moved that the protest of Wm. B. Reed be received and entered on the proceedings of the committee, which was not agreed to.

WILLIAM B. REED.

Sworn and subscribed, April 23rd, 1839, before me,

JAMES. R. SNOWDEN,  
Chairman.

Witness discharged from further attendance.

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ALEXANDER BROWN, affirmed.

At a meeting of the inspectors and judges 4th ward, Northern Liberties, on the 2 October, 1838 ; I called then with a young man to have him registered ; Mr. Hinkle and Miller prepared a list of names that they were about challenging ; in a conversation with Mr. Badger he got very angry ; Mr. Badger said, if we had let our man alone, alluding to Mr. Miller, we should have had fair play ; Miller was standing at the door way, I turned around to him, and said, you do intend to cheat us, do you ? or you intend to cheat us then ? his answer was, " I will cheat you," he would give us as much trouble as he could, or a great deal of trouble ; there was a good deal of excitement, as is usual at elections times. Mr. Badger was angry at this time ; Mr. Miller was appointed by the citizens to attend there. I was examined before the return judges ; Daniel Jeffries was also examined ; I am a citizen of the 4th ward.

ALEXANDER BROWN.

Affirmed and subscribed April 19, 1839, coram,

JAMES R. SNOWDEN.

Witness discharged.

April 19, 1839. Adjourned to meet to-morrow morning at 9 o'clock A. M.

April 20, 1839. Committee met agreeably to adjournment.

WM. WAGNER, called and sworn.

Says, never had any correspondence with Mr. Burrowes, in relation to organization of the house of representatives; I received a printed circular from him, as chairman of the central committee; the purport was, that the members should appear at Harrisburg on the 30 of November, it was my intention to go to Harrisburg. It was my intention to go to Harrisburg after being notified by the judges; I had some doubts previous to that. In conversation with several of the electors of Germantown, where I reside, it was their wish that I should go; they said the other members meant to go; no arrangements were made as to the organization of the legislature, until they arrived at Harrisburg, that I know of; there was an impression that we would get our seats. I saw Mr. Stevens at the Rubicon house, in company with the other members; I suppose this was about the middle of November; there was present, Mr. Smith, of the city, Mr. Jesse F. Smith, of the county, Dr. Meers, Adam Wolper, Mr. Zeilin, and generally the members of the whig party. There was no arrangement made at that time, how the house should be organized; this was merely a social meeting; I never made up my mind to go Harrisburg; had no wish to go, until I had received notice, I then made up my mind to go. When I left the meeting at Rubicam's, I left Mr. Stevens there. It was resolved in caucus, at Harrisburg, to go by the returns as presented by the secretary of the commonwealth.

WM. WAGNER.

Sworn and subscribed, April 20, 1839.

JAMES R. SNOWDEN.

This witness discharged.

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*Third-street Hall, Philadelphia,* }  
 MONDAY, April 22, 1839. }

Committee met pursuant to adjournment.

Present: Snowden, Cunningham, Flenniken, Roberts and Zeilen.

DANIEL HOTZ, JR. called and sworn.

I reside in the 1st ward of Spring Garden; about five minutes before the polls closed, the judges, Mr. David Welper and Mr. —, all went away from the polls, but Mr. Rowan, who was one of the clerks of the election. Mr. Rowen was the man we were watching; Henry Simpson stood near the window, and I stood a little back.— I was speaking to Mr. David Welper about Mr. Rowen, stating that he had cheated at the last election. Mr. Rowen came and put his face to the hole in the window, and I saw him putting his hand in the ballot boxes; my impression is it was the boxes containing Governor



and Congress tickets ; I told this to Henry Simpson, he called out to Rowen, you damned rascal we have caught you, for we had been watching you during the day. I told Simpson that he would find tickets lying on the table ; Adam Wœlper came and said he did not suppose Rowen would do any thing with those tickets ; Rowen set down and was abused for his conduct. Between the box for Governor and Congress there were two or three tickets lying ; Wœlper asked what they should do with those tickets, I requestdd him to give them to Henry Simpson ; he did so ; Simpson opened them and I saw they were Congress tickets. At the time Simpson called to Rowen, he quick put his hand in his coat pockets. I suppose the polls closed at 9 or 10 o'clock, P. M. One of the tickets opened was Congress, Charles Naylor; the other, Congress, Charles J. Ingersoll. Rowen is a whig in politics, he had been an officer of the 1st ward at previous elections, and from his conduct at that time, it was the general impression that he should be watched. I do not know whether he is a resident of the 1st ward, Spring Garden, or not. At the time Rowen was accused of defrauding, he made no reply or explanation of his conduct, or did not offer to have his pockets examined. Cross examined : I was at the window, the boxes were immediately in front of the window. Henry Simpson resided in the 1st ward, Spring Garden, and is an officer of the general government. I never heard of any tickets being found on the floor at any election before ; I have seen different tickets in different boxes at elections. I do not know where Mr. Rowen resided, or what his business is ; I am a butcher by profession. I cannot say whether there was any change of tickets at the time Rowen put his hands in the boxes ; he had a paper in his hands at the time. I do not know whether the number of votes polled on that day exceeded the number of voters. Michael Watman, Henry Simpson, Thomas Hart and myself, were at the polls during the day, challenging votes. I do not hold nor never did any office under the General Government, or any other office of any kind. At the time I saw Rowen have these tickets in his pocket, he was told by several that he had them there. I arrived at Harrisburg a few days before the 1st of January. Report stated that the sheriff had procured clubs and hired men to beat us from the polls ; I saw the clubs ; there was a house in the 4th ward of Spring Garden, in which there were about one hundred men. I saw these clubs at the corner of 7th and James' street, and was told at that place that they were made by order of sheriff Watmough, or had been sent there to paint by him ; he told me there were five hundred clubs, about two and a half feet long, and one and a half inches in diameter. I saw none of these clubs on the day of election ; the general impression was that the sheriff intended to have a body of men in the 1st ward, Spring Garden, and take possession of the polls in that ward. I saw these men at Thomas Temple's house, about four or five doors from the polls, on that day ; I suppose there were from 50 to 60 ; the sheriff does not reside in that ward. In the third ward a man by the name of John McMichae came to vote, they stated he had voted twice, they took him and give

him to the sheriff; when the sheriff found he was a whig, he left him go; he was raced up 8th street, taken and rescued; he was let go and arrested the second time. A whig by the name of Hawes took hold of the bridle of the sheriff's horse, and assigned as a reason that the sheriff acted unfairly; all parties said that if it had not been for the sheriff there would have been no disturbance. I am not in the habit of attending meetings, except delegate elections. Henry Simpson before referred to is an officer of the Custom House.

DANIEL HOTZ, JR.

Sworn and subscribed this 22d day of April, A. D. 1839.

JAMES R. SNOWDEN.

This witness dtsharged.

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JOHN ABRAHAM, sworn:

I reside at the 4th ward of Kensington, on the day before the general election, I saw George Hacker at the state house, who was either judge, inspector or clerk of the election in the 5th ward Northern Liberties; I told him the Ingersoll men claimed a majority in the 5th ward, Northern Liberties; he told me that Naylor would have a majority of two hundred in that ward, and if there was not that majority, he would make that majority or more, he warned me not to bet on Ingersoll; that if Ingersoll had six hundred majority he could not be elected in the third district—that he did not intend to eat any thing that day, (pulled out his vest) and intended to swallow Ingersoll tickets. I knew Hacker to be an officer of the election. I was examined before the return judges, so was Mr. Hart; I am at brother to Isaac Abraham, he is a constable of the seventh ward, Northern Liberties; I am a butcher by trade; I was at Harrisburg on the 4th of December; I went to Harrisburg in the cars, with a number of persons; I paid my own fare; I knew a few persons in the cars; Mr. Whatman was one, my business at Harrisburg, was to see what was going on there. I wanted to see how the dispute about the county ticket would terminate. I never had any communication with any person about going to Harrisburg. I was in the house of representatives on the fourth of December; I remained there until the difficulties at Harrisburg were over; I sat in Mr. Stevens chair, when Stevens rose to tell Michael Day to vote for Mr. Cunningham, before they began to vote for speaker. I went round the galleries; I saw Mr. Stevens give a roll of notes to one of the Halifax bullies to divide, who stood near me; I saw him give two or three of them five dollar bills; these persons stood behind him, and he was telling them how to act; he held his head down to a man who had a white hat on, and whispered in his ear; there were a number of persons around Mr. Stevens, they were the same men I saw afterwards; I could not tell what Mr. Stevens said to them; there were no others along side of Mr.



Stevens but the halifax bullies. I know Charles Watman; I did not take notice whether any other person was there; I saw a small man come up and write his (Steven's) name on the desk; when Mr. Stevens rose, I was crowded and took his seat; there were a great many at Harrisburg that day; I suppose, two or three hundred. I am well acquainted in the county of Philadelphia; there were about a dozen whom I knew personally as being from the county of Philadelphia. I knew Mr. John R. Walker, Marshall Sprogell, Alfred Clarke and Charles Watman; saw them in the house, also William Warner. I never attend any meetings but delegate meetings; I know of no money being raised to pay men to go to Harrisburg.

Question by Mr. Cunningham:—Had you any weapon with you at the time you was at the hall of the house of representatives.

Answer:—I had no pistol or dirk, or weapon of any kind. I had a pistol which I carried on that evening; it was loaded; it was found and loaned to me, by some person; I did not know how soon I might be attacked by some whig, and that was the reason I obtained the pistol. I heard a number of persons there were armed, there was sixty or seventy persons pointed out to me as the Halifax bullies; I cannot recollect who pointed them out. I did not know these Halifax bullies, nor did my informant. I was early at the capitol, on the fourth of December; I suppose, half an hour before the house was organized, the Halifax bullies were then there.

JOHN ABRAHAM.

Sworn and subscribed, April 22nd, A. D. 1839.

JAMES R. SNOWDEN.

This witness discharged.

MICHAEL D. WARTMAN, sworn:

I reside in the first ward Spring Garden, I was at the polls on the day of the election, from nine o'clock in the morning until they closed, I was passing from one ward to another, I kept a tally list, I was expelled from the first ward. I was at the third ward Spring Garden, about ten or fifteen minutes after the polls closed I was standing and had my head in the window, looking at the judges and clerks in the room. At the time I came to this window they were counting off the votes for county commissioners, a man by the name of Stout picked up some tickets folded together, there were three he said they were all rolled up together. I replied they were not, they should be laid by until the judges would decide what should be done with them, the tickets were not tied, but were separated. Stout took no advice or consulted the judges about these tickets, but opened them, one of these tickets had the name of Jonathan Johnson for county commissioner, he placed it on the pile of Whig tickets, and it was counted, and the other had the

nome of William Pearsall, which was torn up; at this time I called to Mr. Daniel Hotz and others to take notice and see what they were doing. Hotz was at the first ward, I put my head into the window and spoke to Stout, who was an officer of the election, stating what I had seen, he paid no attention to me; at this time two whigs came and wished to pull me down from the window, one of the clerks wished the hole at the window closed, stating that it was cold, I left a man at the window, and went to the first ward, at the window of Spring Garden. About the close of the polls I saw and watched Rowen, when I came there I saw the judges go away from the boxes to eat—Rowen was left there alone, about closing the polls, Rowen had his face towards the outside, his back towards the boxes and put his hands in his pockets; I called out to him and wished him to show me what he had in his hands; at the time I called to him he had a bundle of tickets in his hands, about fifteen or twenty, in the act of putting these tickets in his pocket, he dropped some of them, those he dropped were congress tickets, they were handed out the window to Mr. Henry Simpson by Mr. Woelper, one of them dropped on the box, and one on side of them, there were three or four handed out; two had the name of Charles Naylor, the other the name of Charles J. Ingersoll, Rowen was in the act of putting his had in the box, when I saw him drop these tickets; when I accused him of his conduct he made no reply, these tickets had no mark upon them. After the polls closed "about 9 o'clock" I asked Simpson whether he had these tickets, he said he had, Rowen I was told is a federalist, there was a democratic assessor in the second ward, I was standing at the window when I observed Rowen, the window was down and I looked in from the top, the ballot boxes were on the table, the table against the wall, the wall near the window, Rowen was standing aside the table and his face towards the window, he endeavored to conceal the tickets, I call the whigs federalists. I do not know whether Mr. Rowen resides in the first or fourth ward, I am a butcher by trade, heard that Rowen was a clerk of the election.

M. D. WARTMAN.

Sworn and subscribed, April 22d, A. D. 1830, before me,

JAMES R. SNOWDEN, Chairman.

On motion of Mr. Cunningham,

Committee adjourned to meet to-morrow morning at 9 o'clock.

Subpoena issued to Joshua Fletcher, George M. Whartnaby, Alfred Clark, John Grim and David Seiner.

APRIL 29, 1839.

M. D. WARTMAN, re-examined.—At the time the difficulty occurred at the window, about throwing in tickets at the first ward Spring



Garden, by Rowen, I was there at the window at the time and saw him throw in the tickets, I was there also when the dispute occurred during the whole time, the people were not satisfied with the explanation. Col. Jno. G. Watmough was not there at the time this occurred, but was I think at the third ward Spring Garden, I could see all over the house and every person there, except those behind the curtain, I did not see Col. Watmough, or those in the house explain how the tickets came there or attempt to explain.

M. D. WARTMAN.

Subscribed, April 29, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

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Tuesday, April 23, 1839.

Committee met pursuant to adjournment.

Present: Messrs. Snowden, Cunningham, Zeilin, Flenniken, and Roberts.

JACOB R. KLINE, Sworn,

I reside in the seventh ward Northern Liberties; was a clerk of the election on the 9th of October last; while engaged at that window, a request was made by the voters that I and others should see the inside of the boxes, this was before the voting commenced; the fourth ward boxes were assigned to me; I went to the fourth ward and insisted upon examining the boxes, the officers at that ward at first refused. I requested the officers to come to the seventh ward and examine the boxes there; this was refused. I examined the boxes at the fourth ward, there were no tickets in those boxes. I then went to the seventh ward and we proceeded to business, things went on very well. Several times I wanted to go to the other wards to ascertain the number of votes polled. Some of the ward officers closed their books and would not permit me to know the number of votes polled or the result; this was at the first and third ward; the officers at the other wards would not or could not tell the number of votes polled, refusing and closing the books; the sixth and seventh wards we ascertained; I tried at several wards but could not ascertain the result; nothing occurred until the closing of the polls; after the polls closed, Mr. Jacob Hoeckley, made out the general returns of the seven wards; he was not an officer of the election. I requested the result of the election from Mr. Hoeckly, he replied that he was not the return judge, stating that Mr. Bela Badger was the return judge, and employed him to make out the returns, and that he could not give them to me; there was no other present. I then went to Mr. Bela Badger and asked him for the returns, he replied he could not give them to me, I should go to Mr. Hoeckly; this I told to Mr. Hoeckly, he replied, I could not have them; the returns were lying before him; he refused giving them or letting me have a copy of

them ; he was reluctant in letting me see them. At this conversation several came from the different wards. I had Purdon's Digest, and read the law to them upon the subject, but could not, nor have I yet ascertained the number of votes polled or the result to this time. I then went back to my ward and could not find the papers ; a list of voters containing eight hundred and forty-one names ; when we came to make up the returns we found a tally list missing ; it was the inspectors and assessors list ; these papers were there when we came to see the judges, but were gone when we came back ; the judges name is John C. Garrish, David S. Seiner ; the clerk told me that he saw John C. Garish put these papers under his arm and carry them away. I charged Garnish with it and he denied it ; we then had four boxes sealed. Garnish stated that they were in one of those sealed boxes. I took one of the sealed boxes, in the presence of the officers, Mr. Jeffries, one of the inspectors, took the other and broke the seals, but these papers were not there, nor in either of the other boxes which we broke open ; these boxes were taken to John Shaw's office in Green street and sealed up. John C. Garrish was the presiding judge of the seventh ward, and is a whig ; all the judges in the house were whigs, including the seven wards. When I read the law, they paid no attention to me. Mr. Jacob F. Hoeckly is a whig. I never found or saw the tally paper referred to. I was at Harrisburg during the investigation of Hanna and Brown, but not there at the organization of the House of Representatives ; when I left my ward I left the other clerk, two inspectors and presiding judge. At this time we had the tally papers made out, the votes counted off and carried out, all but one box, this was counted off after my return, but not during my absence. After I returned, we opened this box and counted off the tickets ; we kept a tally paper containing eight hundred names ; this I searched for and found it gone ; I am neither a justice of the peace nor a lawyer ; have been engaged for five years in the wood business ; John Paynter furnished me with Purdon's Digest ; the election is held at one house, but at different windows ; I, with the consent of the inspectors, opened one of the boxes which was sealed ; one of the window papers kept by me, and the tally list kept by David S. Seiner, was missing. one of each remaining ; I could not tell what purpose could have been accomplished by taking one of these papers, unless it would be to alter them. A proposition was made to take the boxes to Mr. E. D. Corfield ; this I opposed, and took eleven boxes of the seven wards to Esq. Shaw's, who is the nearest justice ; the other boxes were taken to Mr. Corfield's who is not the nearest justice ; there are five or six justices nearer than Corfield. It is usual to go to different wards to ascertain the number of votes polled ; I asked this as a favor not as a right ; my object was to ascertain the number of votes polled ; this was never refused before, but at the special election of Charles J. Ingersoll ; the number of votes on my tally paper corresponded with the number of votes polled ; suppose, but do not know, there



might have been a few scattering; I do not know whether this tally paper is at the Prothonotary's office or not; I do not know whether the return judges showed the tally paper which I gave them.

J. R. KLINE.

Sworn and subscribed, April 23, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged,

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JOHN GRIM, sworn.

I reside in Seventh Ward, Northern Liberties; Mr. Isaac Abraham called upon me three or four weeks before the election took place, and stated that Mr. Bela Badger had sent a gentleman to him to offer him money to electioneer for the whig ticket. The night previous to the election, Mr. Isaac Abraham called upon me, stating that Mr. Bela Badger had given him fifty dollars, five ten dollar bills on the bank of Penn Township; I saw this money; on the morning of the election, Mr. Abraham brought the tickets to my house, (witness here produced a bundle of the tickets, upon examination it was ascertained to be generally the whig ticket, headed for Governor, Joseph Ritner; Congress, Charles Naylor; Sheriff, Daniel Fitler, &c.) I considered it the whig ticket; I had no tickets in my house, either whig or democratic; these tickets I locked up; I was in Harrisburg during the investigation of Brown and Hanna.

JOHN GRIM.

Sworn and subscribed, April 23, 1839, before me,

JAMES R. SNOWDEN,

Witness discharged.

On motion of Mr. Flenniken,

Committee adjourned to meet at 9 o'clock to-morrow morning.

Subpoena issued to David S. Seiner.

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PHILADELPHIA, Wednesday, April 24, 1839.

Committee met pursuant to adjournment.

Present, Messrs. Snowden, Flenniken, Cunningham, Zeilen, and Roberts.

GEORGE M. WHATNABY, sworn,

At the time of the election I resided in East Moyamensing, I now reside in West Moyamensing; I went to Moyamensing Hall early in the day, and saw Dr. Groves there, who appointed me one of the door-keepers of the election for that ward; about mid-day Mr. Banks, who was called a deputy sheriff, came into the Hall, he had been there frequently during the day, there was a man voted who did not vote a full ticket, the gentleman, one of the judges or officers, who received the ticket asked him whether he did not intend voting a full ticket, the man who received the ticket was looking out of the window. The deputy sheriff, Mr. Banks, said I will show you how to

fix these fellows, when the man's back, who received the tickets was turned, Banks came in, I saw him pick up some tickets, raise his hand over the boxes, and drop some of these tickets in the ballot box, I think it was in the assembly box, one of the other officers saw this I know that the deputy sheriff had men employed to keep the peace; the ticket I voted was prepared by me, and after I had voted I was grossly insulted. About four o'clock in the morning after the election, it was agreed by the judges that the boxes should be taken to Dr. Groves, the boxes were not sealed; I was discharged at four in the morning; the officers prepared some papers before four in the morning, which they said were necessary; I do not know whether the officers left the room or not; my impression is the ticket dropped in the box by Banks was but one; when I left the room the boxes were not taken away. The officers adjourned to meet again; without sealing the boxes; my business as an officer was to keep the door, and let no person in but those who had a right to come in; I was sitting about 16 feet from the room of the west ward, the room is three times as large as this room; (witness here referred to the room occupied by the committee at Third Street Hall,) I could see and hear every thing passing on where I was sitting; I do not know the names of the persons who either received the tickets or voted; the man who received the ticket was standing between Mr. Banks and the other judge, I first communicated this matter to a young man at the west window, by the name of Fenney, who resided in West Moyamensing, and was an officer at that ward, and asked him who that man, alluding to Mr. Banks, was, he replied it was our deputy sheriff, Mr. Banks, I also told my brother and others of this conduct, telling them that we would beat them; for foul play never prospers, I went to Harrisburg before the committee in the case of Brown and Hanna; these wards are East and West Moyamensing; election is held in the same house but at different windows. The witness further adds that the judges would not permit him to be near the table, while at the same time they permitted others to lay on it.

GEORGE M. WHARTNABY.

Sworn and subscribed, April 24, 1839, before me

JAMES R. SNOWDEN, Chairman.

Witness discharged.

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DAVID S. Siner, called and sworn.

I reside in seventh ward, Northern Liberties; was a clerk of that ward on the day of election. The election, as far as I saw, during that day, was conducted very properly until the counting off. After we were done counting off, we then undertook to place the window and tally papers in the boxes. After the returns were made out, we asked Mr. Garrish what boxes we should place those papers in; he told us, but I do not recollect in what boxes. Mr. Garrish, a judge of the election, was present and assisted. He then took Mr. Kline's



tally list, and, I think, tore off the inspector and assessor of that list; this we missed afterward; he then took Mr. Kline's window paper; "Mr. Kline was clerk," and went about eight feet from where we were sitting, and folded them up. After this he walked over towards the return judge, Mr. Bela Badger. We missed these papers, and asked Mr. Garrish what was done with these papers. First he said he put them in the boxes, but afterwards said he did not know any thing about them; after we missed the inspector and assessor's list, we began to make some fuss about them, and opened our boxes which were sealed, but could not find them; Mr. Hœckly replied one paper was sufficient; we then sealed up the boxes. My impression was that the papers were put in the boxes; I have never seen those papers since. At the conversation above referred to, with Mr. Garrish, it was about 7 o'clock in the morning.

DAVID S. SINER.

Sworn and subscribed, April 24th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

DANIEL JEFFRIES, sworn

I reside in 7th ward of Northern Liberties, was an inspector of that ward on the day of election. The election was conducted in perfect order in that ward until the close of the election at the counting off, after we made out our returns, we handed them to Mr. Hœckley; we then did not know who was the right return judges; this was kept from us by the other officers of the election. After we were done counting off, we sealed the four boxes. Jacob R. Kline had a piece of paper in which were carried out the number of votes of the sixth and seventh ward; he said he would go and obtain the returns from the other wards, and applied to Mr. Hœckley for them, who refused giving them, stating that he was not an officer of the election; Mr. Hœckly was assisting to make out the returns. Mr. Kline then applied to Mr. Badger who stated that Mr. Hœckley had them; I then told Mr. Kline to come away, they would not give him the returns. The return judges of our ward were all whigs. I saw Mr. John C. Garrish in the act of tearing a paper which I am certain was the tally list; this was the assessors' and inspectors' list; the window paper was also missing. Mr. Kline returned and asked for his papers; Mr. Garrish replied that the papers were put in the boxes; we then broke open the boxes which were sealed, but they were not in; Mr. Hœckly came and said they were of no importance; we then proceeded to seal up the boxes, left the hall and went to a house formerly occupied by Edward D. Corfield; a dispute arose about the ownership of the house; we had these boxes under our arms; we then left the house and proceeded to Esq. Shaw's, in Green street, where we

left the boxes. I do not know whether Mr. Hœckley is a justice of the peace or not; Mr. Hœckley is treasurer of our district. Mr. Garrison's occupation, I do not know. The officers of the other wards, except the 6th and 7th, refused to tell the state of the polls, or the number of votes polled, though frequent applications were made for them. I have never yet heard the result of those wards, nor don't know it now, they were kept secret from us.

DANIEL JEFFRIES.

Sworn and subscribed, April 24th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

Subpœnas issued to Joshua M. Raybold, Joseph W. Blight, Michael Cochran, Joshua Fletcher and Benjamin F. Hedges.

Returnable on the 25th inst.

On motion,

Committee adjourned to meet to-morrow morning at 9 o'clock.

THURSDAY, April 25, 1839.

Pursuant to adjournment, committee met: Present Snowden, Fleniken, Roberts, Cunningham and Zeilin.

Subpoena issued yesterday returned, Sergeant-at-Arms reports that he subpoenaed Joshua Raybold, Benjamin F. Hedges, James Gallo-way and Charles Thompson.

CHARLES W. HEGINS, Esq. Sworn,

I am a member of the House of Representatives, from Northumberland county, I sat immediately in front of Mr. Stevens, on the morning of the 4th of December last, I rose and looked round to observe what was passing around, this was about fifteen minutes before the House was called to order by Mr. Hill, of Westmoreland, while standing there an acquaintance from Millersburg in Dauphin county, Mr. Welker, came and spoke to me, he pointed out about 50 or 100 men standing near Mr. Stevens, and said they were from the Wiconisco canal, I observed a number around Mr. Steven's chair, three of them in the inside of the bar, one of these men on each side of Mr. Stevens and one behind him, holding a conversation with him, one was pointed out to me as John P. Rutherford, superintendant of the Wiconisco canal, and several others as the Halifax bullies. Just about this time Mr. Abraham from Philadelphia county passed up the aisle near my seat toward Mr. Stevens, and took his seat near him. I saw several others said to be from Philadelphia county, go among the Halifax men, after these men went to those men, I saw Mr. Stevens rise and



walk towards the Speakers chair, came back and took Mr. Konig-macher's chair, one of the men I saw standing immediately behind Mr. Stevens was a large man, with a cane, buck horn handle, wore a cap, shirt collar loose, &c. I saw Mr. Stevens converse with men who were pointed out to me as Mr. M'Coy and John P. Rutherford, Stevens' seat was in the outer circle near the bar, and could converse with those behind him without leaving his seat, I saw him leave his seat before the time above referred to and converse with Mr. Crabb and others, I did not see Mr. Stevens at any time go back from his seat and speak to men or offer and distribute money among them, he might have done so without my seeing him, my attention was not confined exclusively to that portion of the hall where Mr. Stevens sat, I did not observe Mr. Speaker Hopkins until he was ascending the Speakers stand, in company with Col. Thomas B. M'Elwee, at the time Mr. Hopkins ascended the stand I saw Col. John J. M'Cahen standing on the platform, leaning against the pillar,

CHARLES W. HEGINS.

Sworn and subscribed, April 25th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

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JAMES GALLOWAY, sworn :

I reside in Lower Delaware Ward, in the city of Philadelphia. The morning after the election, I met Mr. Peter Albright, who gave me the returns of the Northern Liberties, verbally ; I do not recollect the number of votes ; the day after, I again met Mr. Albright in Chesnut street ; he gave me another list on paper, which he said he received from the return judge—on this paper the number of votes exceeded the returns given me the day before by about 200 for the whig ticket ; the day after, I again met him, he told me that the vote for the whig ticket was still larger than the returns showed me on the day before ; I was going to Kensington to bet money on the election, and told Mr. Albright I wanted the correct returns for that purpose ; Mr. Albright said he was going to Harrisburg, that he would obtain the returns from his party, and I might obtain the returns from my party ; next morning we met and left for Harrisburg ; this was before the meeting of the return judges ; I went with him at Harrisburg ; he said he was going to see Mr. Stevens ; we called at Wilson's to see Stevens—he was not there ; we then called at governor Ritner's ; Mr. Albright wished to obtain the number of votes polled in the state ; Stevens was not at the governor's ; we left the governor's, went up Front street, and enquired for some man, name I do not know ; coming back, we met Mr. Stevens and the gentleman we had enquired for. Mr. Albright requested me to stand aside, he wished to converse with Mr. Stevens. I did so. After they came out of the house, Stevens told Albright to call at Wilson's early in the morning and he would



give him the return of the state. I awoke him next morning about daylight, and we went to Stevens' room at Wilson's; Stevens was not up. Albright came down stairs and said Stevens told him he might return home and bet that there would not be 5000 majority for Porter. Albright told Stevens he had made a bet of \$500, all the money he had in the world—put up \$100 as a forfeit; he told me he would put up the balance of \$400. We then left for Philadelphia in the cars; when we reached Lancaster, we heard the whig ticket had carried in the Northern Liberties; we left there, and on the road I met a gentleman from Philadelphia, who informed me that Ingersoll was elected, and that the Northern Liberties had been thrown out by the return judges, that the whigs had cheated. Albright said they were so damn dumb in the Northern Liberties, that they could not make out a return—that Mr. John C. Garrish had to make out the return for them—that there must have been a mistake in making out the returns of the 7th ward, Northern Liberties. Mr. Albright resides in the 1st ward, Northern Liberties, and was either a judge or inspector of the election; he is a whig in politics. I obtained the returns of my party at Harrisburg; the majority was then about 8000 for Porter—one or two counties to hear from. I think we returned to Philadelphia the day after the return judges met, we then parted, he in one direction and I in another. Albright told me he had money bet on the election. I know he had \$100 bet on the state, and about \$120 on counties. I heard him offer to bet on the 1st ward, Northern Liberties—this was a few days before the election; he offered to bet that the 1st ward, Northern Liberties, would not poll 120 democratic votes—amount I do not recollect. I do not belong to the democratic association; I vote the democratic ticket. I had \$400 or \$500 bet on the election. I know Albright from a boy up; his reputation for fairness at elections is bad; I have known him have men at his own ward from other districts at elections; both parties say he will cheat at elections; his own party say he is a useful man at elections. He left the democratic party about five years ago. Albright is constable now—was elected this spring; is also visitor to the poor; has been constable since 1829, at which time he was elected by the democratic party; was elected a visitor of the poor by the whig party. I do not remember the number of votes given this fall for either of the tickets of the 1st ward, Northern Liberties.

JAMES GALLOWAY.

Sworn and subscribed, April 25th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

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CHARLES THOMPSON, sworn:

I reside in the 6th ward of Northern liberties, on the night before the election, we expected some spreeing business; Mr. John Conrad and his son, called upon me and wished me to stow away one hun-

dred men, as he expected there would be a disturbance on the election day, in that district. I told him I would not do it, stating it would be an injury to me; he replied, it would not. These men, I expect, were to come from the district; he, however, did not say where they were to come from. Mr. John Conrad, is the mayor of the Northern Liberties, and resides in the 2nd ward; he brought no one to my house; he stated, his object was to preserve quiet; Conrad is a whig in politics. I never knew men quartered before this time. The report was that there would be a great excitement, which I suppose, was in consequence of Ingersoll's and Naylor's election. It was talked of that there would not be fair play at the election, and that Mr. Conrad wanted to have plenty of hands to keep quiet on that day; he either offered me \$100 or said that it would be that much in my pocket if I would quarter those men. I keep a public house; he wished me to furnish them with eat, drink &c. He also stated that he did not wish me to do any thing that would be an injury to me.

CHARLES THOMPSON.

Sworn and subscribed, April 25th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion,

Committee adjourned to meet to-morrow morning at 9 o'clock A. M.

Subpoenas issued to Col. John G. Watmough, Joseph Smith, Joseph W. Blight, Michael Cochran, Henry Johnson, Thomas Doyle, John Miller, William Pearsol.

Returnable 26th inst.

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FRIDAY April 26th, 1839. }  
9 o'clock, A. M. }

Committee met pursuant to adjournment,

Present, Snowden, Cunningham, Zeilin, Flenniken and Roberts.

Sergeant-at-arms reports that he has subpoenaed Joseph Smith, Joseph W. Blight, Thomas Doyle, John Miller, William Pearsol and Henry Gallagher.

On motion of Mr. Flenniken,

The following resolution was offered and adopted.

*Resolved*, That the chairman of the committee be directed to address a letter to the Prothonotary of the Court of Common Pleas, requesting an authentic copy of the proceedings had in said court in regard to the frauds in the registry list, in the first ward, Spring Garden, before the late general election.

The chairman in accordance with this resolution procured a copy of the record named therein, which is hereto annexed.

D.



## BENJAMIN F. HEDGES, sworn.

I reside in the 4th ward Spring Garden, I am at present Deputy Sheriff, have been so since April, 1838; on the day of the general election I was in Southwark, from about 8 to 11 o'clock, had charge of 50 men, deputed by Col. Watmough to keep order, these men were on the election ground, I had blank deputations ready to be filled up, some were filled by Col. Watmough, some by myself, none of these men were armed as far as I saw; so far as I know there was no preparations, so far as I know these men were of different parties, I suppose some belonged to the democratic party, I remained on the ground until after some part of the ticket was counted off and the people had generally left, I never saw a more peaceable and quiet election than the election in Southwark. I do not recollect the day I took the returns to Harrisburg, it was the day after the meeting of the return judges, Col. Watmough addressed me a note stating that he had some business for me, this was about half past 11 o'clock, I called upon Col. Watmough at 12 o'clock, P. M., Watmough requested me to meet him at Henry J. Williams (Sheriff's counsel) at 1 o'clock, he gave me some sealed packages endorsed returns, and requested me to hand them to Mr. Burrowes, Secretary of the Commonwealth, I proceeded immediately for Harrisburg, and walked to the top of the Inclined Plane, and waited about an hour until the Engine was ready, it was only a tender, I left the Inclined Plane at about 5 o'clock in the morning, arrived at Lancaster at half past 8 in the morning, there I obtained a horse and sulkey and proceeded to Harrisburg, landed at Harrisburg at half past 12 o'clock, left my horse at Wilson's, proceeded to the Secretary's office and enquired for Mr. Thomas H. Burrowes, he was not there, came in afterwards with Mr. Stevens, I handed him the returns, also a letter from Col. Watmough to Mr. Burrowes, which he read, enquired what time I left Philadelphia. &c., and asked me how the election in the county of Philadelphia would be; I said nothing to him about the other returns; Mr. Stevens was there, he and Burrowes went into the other room, I obtained a receipt from Mr. Burrowes for the returns, received no pay at Harrisburg, Mr. Stevens was there when I left the office. Col. Watmough gave me \$20 before I left Philadelphia, I never superintended at elections before. I never saw deputations at elections before. The men under my direction were at liberty to go where they pleased. Mr. William F. Hughes procured these men. I never was sent on business of this kind before; my instructions were to reach Harrisburg as soon as possible. When I arrived at Harrisburg, at the Secretary's office, there was a young man there, I told Mr. Burrowes and Mr. Stevens the time I left Philadelphia; they enquired why I left the city at that hour. I knew there would be two sets of returns from the county of Philadelphia; this was the general impression in the city, "after the dissatisfaction took place,"—And after the returns from the Northern Liberties had been rejected, I judge the Locomotive was prepared for me, there was no other person in the locomotive but myself. They



superintendent, or officer of the rail-road accompanied me to the plane. His name I do not recollect, he told me as we proceeded that a locomotive would be ready for me. Col. Watmough the day before stated his object in sending these men into Southwark was to preserve order. I took the tally list and papers, and opened the election in that district. I am confident there was no clubs prepared by the Sheriff for Southwark. Col. Watmough has a list of the persons who composed the posse, which I prepared and gave to him, I think a majority of that posse were democrats. When I arrived at Williams' office, I saw Mr. Bela Badger and others, who I do not recollect.

B. F. HEDGES.

Sworn and subscribed, April 26th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

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In the Court of Common Pleas of Philadelphia county, in the matter of the election in fourth ward, Spring Garden.

Henry Simpson, of the first ward of Spring Garden, in the county of Philadelphia, being duly sworn according to law, deposeth and saith, that he now is, and was on the first, second, third and fourth days of October, instant, and for some days previous to these days, a citizen of the commonwealth, resident within the first ward of the District of Spring Garden, in the county of Philadelphia, and entitled to vote therein, under the constitution, at the next general election and duly registered as such, by the assessors of said ward, and so published by the Sheriff of the city and county of Philadelphia, according to law.

That this deponent, with various other citizens, attended on Tuesday the second day of October inst., at 10 o'clock of the forenoon of that day at the commissioners hall, in the district of Spring Garden, being the time and place appointed by the said Sheriff according to law, agreeably to his proclamation dated August 8, 1838, and published in the American Sentinel on the 1st. instant, requiring the judge, inspectors and clerks of the First Ward of the District of Spring Garden, to meet for the purpose of correcting any errors or supplying any omissions which might be found in the assessors return of regular voters for that ward. That Samuel Copeland, who is also the assessor of the said ward, appeared at said time and place as the judges of said ward, David Woelpper, Jr. and John D. Ninesteel, as inspectors of said ward, have been elected as such, and William Waugh and John R. Rowand as clerks, and previous to proceeding to business the said officers of the election were, as this deponent understands and believes, duly qualified by oath or affirmation according to law.

That after the assessors list of registered voters for the said ward was published by the Sheriff, the same was carefully examined by this deponent and other citizens of the ward, and it appeared by the most accurate information that could be obtained, that three hundred and sixty-two names on the said list were not those of qualified voters of said ward, being either persons not residing in said ward, or not between the ages of 21 and 22 years, (nor would be on or before the 2d Tuesday of October next,) and the sons of qualified voters.

Every inquiry was made to ascertain the residence of each individual, and this deponent called upon the said Samuel Copeland the assessor of said ward, for the residences of three hundred and sixty-two individuals—who said he could not give him, (this deponent) the residence or dwelling place of any of them; that he had taken down the residence of no one in the ward except that of Samuel Hart, (No. 194, North Sixth street.)

That this deponent prepared and had printed notices of challenge signed by himself, which were directed to the several persons so discovered not to be qualified voters in said ward; inserting in the notice to each individual a specification of the nature of the alleged disqualification in such case, and of the time and place of meeting of the said judges and inspectors. These notices were directed to each person as in the First ward, Spring Garden township, Philadelphia county, Copies of said notices are annexed to this deposition.

This deponent being then unable to find the residences of these individuals, placed notices then directed to each individual, in the Post Office at Philadelphia, on Monday the 1st day of October, A. D. 1838, at about 12 A. M, in the presence of Aaron Lovitt and Miles N. Carpenter, two of the qualified voters of said ward.

That this deponent published also a written statement of the names of the said three hundred and sixty-two persons so disqualified to vote, with a specification of the disqualification in each case states that he believed them to be illegal, a copy of which statement is herewith exhibited with a copy of the oath annexed by this deponent to the original statement; notices were put in the post office as aforesaid for each of the individuals on said statement, containing notice of challenge as above stated; as to the two above he has been unable to ascertain their residences.

That after the said judge and inspectors of said ward commenced business in said hall, on the said 2nd of October instant, this deponent handed the said original statement to Samuel Copeland, the said judge, as his written statement of such persons so placed on the assessors' list as he believes were not legal voters, with his oath proving the service of said notices. This statement was handed by Mr. Copeland to the two inspectors.

This deponent on handing, as above stated, this statement to Mr. Copeland, said aloud to the said judge and inspectors, I challenge these voters and here is my statement.



The judge, and inspectors acted upon this challenge, and several names were stricken off, on the said 2nd October; these challenges and others were either corrected or proved to be qualified voters, on the same day, as will appear by memoranda inserted on the copy of the statement exhibited, wherewith the names so corrected, stricken off or proved by passing therewith a pen, in red ink.

In the case of William B. Doran; he appeared, and said he had got a notice, and lived in the second ward and wanted a certificate, and his name was stricken off.

At half past one o'clock, the judge and inspectors adjourned until 3, P. M.

In the course of the afternoon, this deponent tendered Mr. Aaron Lovitt to prove the putting of the notes in the Post Office, as above stated. Mr. Copland said it was not necessary, the deponents oath was sufficient to prove that.

As, it appeared, that the judge and his inspectors were about to adjourn, this deponent asked the judge and inspectors to strike off the names challenged by him; this was refused, saying it would be taken into consideration. He then asked them to correct the list, by placing opposite the names of the persons so challenged, the letter C. This was also refused, and the said judges and inspectors, then declared that they adjourned sine die; after he had left the hall, he received a message, as he understood, from the said judge and inspectors, saying that they would meet the next day, the 3d inst, at 2 o'clock.

At about half past two o'clock on that day, they organized again, and Mr. Copland being stated to be sick, Jacob Gardener was qualified as judge in his place.

Deponent then read all the names of all those challenged by him on the day before, with their disqualifications, and requested the judge and inspectors to strike them off the list. This was refused by them. He then requested them to correct the list by placing the letter C opposite the names of the persons so challenged; and this was also refused by the said judge and inspectors. These requests were repeated by this deponent a second time, and again refused by the said judge and inspectors; who would neither erase the names, nor correct the list by placing the letter C opposite the names of the persons so challenged.

On the 2d instant, Mr. Miles N. Carpenter handed in the annexed note from B. T. Bioren, whose name, as well as that of B. H. Bioren were accordingly erased from the list.

This deponent therefore avers, that the said judge and inspectors would not examine into the grounds of said challenges, except so far as above stated, nor erase the said names from the registry, nor would they correct the said list by placing opposite the name of the person or persons so challenged the letter C.

Your honors are therefore prayed to grant a rule on the said Samuel Copeland and Jacob Gardner and David Woelpper jr. and John D. Ninesteele judges and inspectors as aforesaid, to show why they would not erase the names of the persons challenged from the Registry of



the said first ward of registered voters in the first ward, or correct the aforesaid registry of voters in the first ward of the district of Spring Garden, by placing opposite the names of the persons as challenged by this deponent, and whose names were not corrected, stricken off or proved to be legal voters as aforesaid, the letter C, (the names which are to be erased, or against which said letter is to be placed, being contained in the said copy of the challenge herewith annexed, being the names of all except those erased and in red ink) or why a mandamus should not be issued by your honours to compel them to do the same.

HENRY SIMPSON.

Sworn and subscribed in open court, this 5th day of Oct., 1838.

J. S. TENNERY, Pro Prothy.

SIR:—You are hereby notified, that you are challenged as a voter of the first ward, Spring Garden, on the ground, that you are not between the age of 21 and 22 years, and will not be on or before the 2d Tuesday in October next, and the son of a qualified voter, although your name appears on the assessors list, with the word, "*on age*" placed opposite to it.

The judges and inspectors will commence sitting for the correction of the registry, at the Commissioners Hall, in Vine street, near Ninth, next Tuesday at 10 o'clock, A. M.

HENRY SIMPSON.

September 29th 1838.

SIR:—You are hereby notified, that you are challenged as a voter of the first ward, Spring Garden, on the ground, that you are not a resident of said ward, nor otherwise, a qualified voter, although your name appears upon the "*assessors list*."

The judge and inspectors for the correction of the assessors list, will commence sitting next Tuesday at 10 o'clock A. M. at the Commissioners Hall, in Vine street, near Ninth street.

HENRY SIMPSON.

September 29, 1838.

September 29, 1838.

TO M. N. CARPENTER, ESQ.

Please to have my name stricken from the list of voters in your ward, as my place of residence is in the city, and oblige

Yours respectfully,

B. T. BIOREN,

There is no such person as Benjamin W. Bioren. George W. Bioren is now, and will be for some time in the South.

(COPY.)

## STATEMENT OF VOTERS NAMES

*Challenged* by Henry Simpson, of the First ward, Spring Garden, believed to be "illegal," which names are placed upon the assessor's list for said ward, by the assessor of said ward for the year 1838.

PHILADELPHIA } October 1st, 1838,  
COUNTY, } 1st ward Spring Garden.

Joseph Ashton, for not being a resident of the 1st ward Spring Garden, nor otherwise a qualified voter.

Hugh Alexander,	do
James Abraham,	do
Hugh Alexander,	do
Joseph Anderson,	do
William Almendizer,	do
James B. Astin,	do
James B. Atherton,	do
Jabez Amos,	do
Frederick Athbundugh, D. J.	do
John T. Armbruster,	do
William J. Allen, (on age)	do
Charles Armington, (on age)	do
John C. Abel, (on age)	do
John Arther, D. J.	do
James D. Aiking,	do
Isaac Bradway,	do
Charles Brown,	do
Reed Bidleman,	do
Thomas B. Baker,	do
John Betts, D. J.	do
Isaac Baker,	do
Aaron Blanchard,	do
Thomas Boyd,	do
William Beatty,	do
William Bywater,	do
Charles Basking,	do
Jacob Bealer, D. J.	do
Jacob Bloomer, D. J.	do
Charles J. Bell, (on age)	do
John Bealos, D. J.	do
Charles Bragg, (B.)	do
Edward Bradway,	do
Joseph Boos, (on age)	do
Frederick Bowers,	do

James Barry, for not being a resident of the 1st ward, Spring Garden,  
not otherwise a qualified voter.

James T. Boyd,	do
Charles A. Bishop, (on age)	do
Isaac Brown, (on age)	do
Gotleib T. Brown, D. J.	do
Abraham Baird,	do
Charles Bradly, (on age)	do
Bumfort Ralph, (B. on age, corrected to G. on 1st inst.)	do
Samuel C. Bellvill, (on age)	do
William C. Cansler,	do
Charles Claypole,	do
J. C. Comfort,	do
John Craft, (not a citizen)	do
Peter B. Croft, (on age)	do
Charles H. Cox,	do
James A. Clapper, (on age)	do
John Cuthbert,	do
Charles Cartle, D. J.	do
Francis G. Callahan,	do
Joseph Cooper, (on age)	do
Abraham Clouds,	do
Andrew D. Crapper,	do
Samuel Crozer, (on age)	do
William B. Carlie,	do
Richard Caldwell,	do
Amos Crocker (on age)	do
James Chamberlain,	do
Felix Campbell,	do
Joseph A. Clenker, (on age)	do
Joseph Cornell,	do
Joseph Cheeseman,	do
Thomas W. Cheston, (on age)	do
John Campbell,	do
Joseph Chapman, (on age)	do
Joseph Champion,	do
John Culverson, D. J.	do
Joseph Cooley, (on age)	do
Nathan Craine,	do
Joseph B. Crookinger,	do
Robert Cally,	do
Cochrane Charles,	do
Samuel L. Davis,	do
Thomas P. Drown,	do
John Debrot,	do
Daniel Dohan,	do
Abel Dillworth,	do
John Deir, D. J.	do



Daniel Deir, for not being a resident of the 1st ward, Spring Garden,  
not otherwise a qualified voter.

James Dartmouth,	do
Samuel Dehoover,	do
Robert Donalason,	do
Robert Davis,	do
George Dull,	do
Edward Davis,	do
Martin Dugell,	do
Robert Dyball,	do
James Dempsey,	do

James Drane, (on age) for not being between the age of 21 & 22, and  
the son of a qualified voter, &c.

Thomas Davis, (on age)	do
William Davenport, jr. (on age)	do
Joseph Derby, (on age)	do
James Dickey, (on age)	do
Thomas R. Dillworth, (on age)	do

James Debloss, for not being a resident of the 1st ward Spring Gar-  
den, nor otherwise a qualified voter.

Joseph Evans,	do
James Ellis,	do
Christopher Elmour	do
Paul Eugeum,	do
Lewis Erion, D. J.	do
Leopold Eckert, D. J.	do
Thomas Evans,	do
Caleb R. Evans,	do
Aaron H. Every,	do
Charles C. Estovick,	do
Issacher Evans,	do

Abel Ellmore, (on age) for not being between the age of 21 & 22, and  
the son of a qualified voter, &c.

Jacob Ether, (on age)	do
Samuel Evans, (on age)	do
Lewis Every, (on age)	do
James Ellis, (on age)	do
Thomas R. Firth, (on age)	do
Jno. Falmouth, (on age)	do
George Fenton, (on age)	do
David Franks, (on age)	do
John Flowers, (on age)	do
James Fish, (on age)	do
David Fernan, (on age)	do

Thomas Francis, for not being a resident of the 1st ward Spridg Gar-  
den, and not otherwise a qualified voter.

John Fodell,	do
Mathias Friester,	do
Asa Fry,	do

Patrick Foley, for not being a resident of the 1st ward Spring Garden,  
and not otherwise a qualified voter.

Patrick Frazier, D. J.	do
Patrick Fagle, D. J.	do
Frederick Fowser,	do
Joseph B. Fealty, D. J.	do
Dharies Fenner,	do
Joseph P. Fenlow, D. J.	do
Henry Freeman,	do
John Gardenar,	do
Jacob R. Gibbs,	do
William Goodhali,	do
Willinm Green, (on age) for not being between 21 & 22, and the son of a qualified voter, &c.	

Samuel Griffith, (on age)	do
Jacob Goodwin, (on age)	do
Gabriel George, (on age)	do
John Grary (on age)	do
James Groves, (on age)	do
Joseph Godfrey, (on age)	do
John Hart, (on age)	do
Charles Herring, (on age)	do
Samuel D. Hall, (on age)	do
Henry Hanoren, (on age)	do
Aaron Hipple, (on age)	do
John B. Hartley, (on age)	do
John Hawk, (on age)	do
Samuel Hansell, (on age)	do
Edward Haverstick, (on age)	do
James Henery,	do
Samuel L. Hollowell,	do
Moses Hale, for not being a resident of the 1st ward Spring Garden, nor otherwise a qualified voter, &c.	

Henry Holmes, D. J.	do
Charles Haverstick,	do
Peter Hall,	do
Samuel D. Hastings,	do
Thomas Holden,	do
William Hawkins,	do
Seth P. Halloway,	do
William Hammar,	do
Isaac B. Horn,	do
William Hackquin,	do
Thomas Hanson, senr.	do
Thomas Hanson, junr.	do
Clayton Hames,	do
Luther Houghton,	do
George Jones,	do
Daniel Jacobs,	do

Jacob Johns, for not being a resident of the 1st ward, Spring Garden,  
nor otherwise a qualified voter, &c.

Peter Jacoby, do

Johnson Jones, do

Charles Jones, do

Jones H. Jones, do

Benjamin Jones, jr. do

L. L. Johnson, do

John Jasing, D. J. do

Henry Illman, do

Peter Jugle, (on age) for not being between 21 & 22, and the son of  
a qualified voter, &c.

Patrick Kilbreth, J. D. for not being a resident of the 1st ward Spring  
Garden, nor otherwise a qualified voter, &c.

William King, (at Pottsville) do

Jacob Kraughner, D. J. do

Josiah Kraft, on age, for not being the son of a qualified voter, and  
between 21 and 22, &c.

Mahlon M'Kahn, on age do

Henry Kunze, on age do

James Luther, on age do

George Lindsay, on age do

Joseph Lott, on age do

Peter Laferty, on age do

Chas. Leadbeater, on age do

John Lloyd, on age, do

John P. Lipton, on age do

Frederick Lutz, on age do

Joseph Leech, on age do

James Luther, on age do

John Lightfoot, for not being a resident of 1st ward Spring Garden, &c.

Thomas Lowry, do

Edward Lambert, do

John Longstreth, do

Jacob Lerain, do

Isaac Lambert, do

Robert Law, do

Benjamin L. Leland, do

Moses H. Leonard, do

John Libby, do

Joseph Loyd, do

John Marsh, do

Charles M'Cartey, do

William M'Kean, do

Edward M'Cornell, do

Lindsay M'Cline, D. J. do

Jacob Miles, do



Arora Miller, for not being a resident of 1st ward Spring Garden &c.

James Maddock, do

John J. Mangan, do

David Mussey, do

William F. Murphey, do

William May, do

Daniel W. Marrana, do

Hugh M'Gill, do

John May, D. J. do

Matthew M. M'Cann, D. J. do

James M'Manus, do

John Markenelder, do

William M'Connell, do

John P. Malton, do

William M'Mackin, do

Robert M'Calley, jr. do

William Matock, do

Lawrence M'Heill, D. J. do

William M'Ilvaine, do

Henry Morton, on age, for not being between 21 and 22 and the son  
of a qualified voter.

George W. M'Clure, on age do

Joseph Matthew, on age do

Thomas M'Curdy, on age do

Robert Middleton, on age do

William N. Moorehead, on age do

John Miller, jr. on age do

William Martin, on age do

Charles Mortimer, on age do

John Marple, jr. on age do

Joseph Mount, on age do

Aaron Morgan, on age do

John P. Neigus, on age do

Thomas Neff, on age do

George Nevins, on age do

Isaac Norton, jr. on age do

Johu Norton, on age do

C. Nathans, on age do

Robert Newlin, for not being a resident of the 1st ward Spring Gar-  
den, nor otherwise a qualified voter, &c.

Stephen Nathan, D. J. do

William N. Nash, do

William P. Neff, do

Owen Newmire, do

William Nailor, do

John Newill, do

Jonathar. Ogden, do

Robert Ogden, 7th st. do

John Ogle, jr. on age, for not being between 21 and 22 and the son  
of a qualified voter.

James Oat, on age	do
Robert Pelby, on age	do
Samuel Peters, on age	do
Amos Price, on age	do
George W. Perry, on age	do
Samuel Palmer, on age	do
George W. Patterson, on age	do
Francis A. Perot, on age	do
Robert Perry, for not being a resident of the 1st ward Spring Garden, nor otherwise a qualified voter.	

Nathaniel Randolph,	do
David B. Rising,	do
Jahn T. Reakirts,	do
Henry Reeves,	do
William P. Reeder,	do
William Rorer,	do
William Rowland,	do
John Rippershear, D. J.	do
Joseph Rapp,	do
David Richards,	do
Manley Rowe,	do
Ferdinand Roberts,	do
Richard Roberts, D. J.	do
John Robinson,	do
Charles Roberts,	do
Peter Rodgers,	do
John G. Ringland,	do
Enoch Remick,	do
John Renert,	do
James Rempson,	do
John Rose, on age, for not being between 21 and 22 and the son of a qualified voter.	

James Ringold, on age	do
Joel Remmington, on age	do
Robert T. Rambo, on age	do
Nathan Scofield, on age	do
George F. Smith, on age	do
Washington Smith, on age	do
Philip Sinkle, on age	do
Charles Martin Smith, on age	do
William Sterr, on age,	do
Philip C. Stucker, on age	do
John Sybert, on age	do
Henry Sticker, on age	do
Augustus Smith, on age	do
Andrew J. Scott, on age	do

William Sobz, for not being a resident of the 1st ward Spring Garden, nor otherwise a qualified voter, &c.

Joseph Sibbs,	do.
Lewis Stell,	do.
Henry Shilly,	do.
Samuel Selby,	do.
Albert Stein,	do.
Abel Starkey,	do.
James R. Stakly,	do.
Adam Stoddart,	do.
David Scull,	do.
Matthew Stewart,	do.
Abraham Sellers,	do.
Robert T. Smith,	do.
Jacob Stale, D. J.	do.
Benjamin Swartz, D. J.	do.
Jonathan Shuman,	do.
Samuel Sharp,	do.
Joseph Sharp,	do.
Carlos Swift,	do.
George Shearer,	do.
James Simpler,	do.
Adam Saxer, D. J.	do.
John Talbert,	do.
Able Tucker,	do.
Thomas R. Taylor,	do.
Joseph N. Treadwell,	do.
William B. Terry, on age, for not being between 21 and 22 and the son of a qualified voter.	
Jacob Tripple, on age	do.
Joseph Vealty, on age,	do.
Abraham Vanholt, D. J. for not being a resident of 1st ward Spring Garden, and not otherwise a qualified voter.	
Frederick Vanholt, D. J.	do.
John Vernon,	do.
Jacob Vanslanger,	do.
George Winters, on age, for not being between 21 and 22 and the son of a qualified voter, &c.	
Robert Weeks, on age	do.

#### OATH.

I, Henry Simpson, of the First ward Spring Garden, a resident qualified voter of the said ward, Do hereby solemnly and truly swear, that I believe the names of the voters challenged by me in the foregoing statement to be illegal, and that before I dropped in the Post Office, Philadelphia, on Monday, the 1st inst. at about 12 o'clock M. notices addressed to each individual there named, I called previously upon the assessor of said ward, Samuel Copeland, who said he could not give



me the residence or dwelling place of any of them, that he had taken down the residence of none except that of Samuel Hart, (No. 194, north Sixth street.)

Witness my hand and seal this 1st day of October, A. D. 1838.

(Signed) HENRY SIMPSON. [Seal.]

Sworn and subscribed before me, this 1st day  
of October, 1838, the date above written.

(Signed.) T. M. RUSH, J. Peace,  
Philadelphia county.

FRIDAY, October 5th, 1838.

In the matter of the election in the first ward, Spring Garden.

Affidavit, &c. of Henry Simpson, presented, and on motion of John M. Read, Esq., the court grant a rule on Samuel Copeland and Jacob Gardner, judges, and David Woelpper, Jr., and John D. Nine-steel, inspectors of said election, to shew cause why they should not erase the names of challenged persons from the registry of said first ward, Spring Garden, correct the assessors list, &c., or why a mandamus should not be issued to compel them so to do.

Returnable 6th inst., at 10 A. M.

*Philadelphia County, ss.*

The Commonwealth of Pennsylvania, to Samuel Copeland and Jacob Gardner, judges, and David Woelpper, Junior, and John D. Nine-steel, inspectors of the election in first ward, Spring Garden—  
Greeting :

At the instance of Henry Simpson, we command you and each of you, that you and each of you, be and appear before our judges, at our court of common pleas for said county, on Saturday, the 6th day of October instant, at 10 o'clock A. M., to shew cause, if any you or each of you have, why you should not erase the names of the persons challenged from the registry of said first ward, or correct the assessors list of registered voters in the said first ward of the district of Spring Garden, by placing opposite the names of the persons so challenged, and whose names were not stricken off, corrected or proved to be legal voters, the letter C—or why a mandamus should not be issued by our said court to compel you so to do; and generally, to do and abide the order of our said court in the premises—and this you are in no wise to omit at your peril.

Witness, the Hon. Edward King, Esq., president of our said court, at Philadelphia, this 5th day of October, A. D., 1838.

ROBERT MORRIS, Prothonotary.

AARON LOVETT, being duly sworn according to law, deposeth and saith that,—I served a copy of the within rule on Jacob Gardner personally, on Friday, October the 5th, instant, between twelve and one o'clock P. M. ; also, on the same day, at a little past one o'clock, I served a copy of the within rule on John D. Ninesteel personally, and on the same day, I served a copy of the within rule on David Woelpper, Jr., about 2 o'clock in the afternoon, personally. These copies were handed to the above individuals by this deponent ; he stated to each that I was requested to serve them with the paper ; I saw each of them open the copy and look at it ; I called upon Samuel Copeland the same day at about ten minutes past one o'clock, at his house in Sixth street, next door to the corner of Buttonwood street ; I saw a lady who said he was not in, he had just gone away a few minutes before ; I then went to his shop in Buttonwood, between Lawrence and Eighth streets—one of his men told me he had just left there three minutes before ; I then went to his house at 4 o'clock in the afternoon—I saw a small girl, she told me he was generally in at 5 o'clock ; I stopped in the neighborhood until 5 o'clock, or a little after ; I called again at his house about a quarter past 5 o'clock ; I saw one of his boys, a lad, throwing down timber into the cellar, and he told me he had left him at the corner of Broad and Spruce streets ; I called again at his house at 6 o'clock—the lady I had seen, said they were waiting for him to come in to supper ; I returned about half past 6 o'clock—the lady said he had been in and went out ; I then called again about 8 o'clock—the lady said he was not in, did not know when he would be in ; I then called at his dwelling house between 9 and 10 o'clock of the same evening, and left a copy of the within rule with the said lady, who is one of his family, and requested her to give it to him when he should come in ; she said she would. On Saturday, the 6th October, I went down again at half past six in the morning, and went into Mr. Markes' dwelling, corner of Buttonwood and Sixth, a little before seven o'clock ; I saw Mr. Copeland come to the basement story door of his own house ; I waited to see if he would not come out ; he went in and shut the door, and I went directly over and went to the basement door and knocked, and the same lady came to the door, and I asked if Mr. Copeland was in, she said he was not ; I told her that he was in ; she said he was not, and I told her that I had seen him ; my intention was to serve him with a copy personally.

AARON LOVETT.

Sworn and subscribed in open court, October 6, 1838.

GEO. NORTON, for Prothonotary.



*Philadelphia County, ss.*

The Commonwealth of Pennsylvania, to Samuel Copeland and Jacob Gardner, judges, and David Woelpper, junior, and John D. Ninesteel, Inspectors of the election in first ward, Spring Garden—Greeting:

At the instance of Henry Simpson, we command you and each of you that you and each of you, be and appear before our judges at our Court of Common Pleas, for said county, on Saturday the 6th day of October, instant, at 10 o'clock, A. M. to show cause if any of you or either of you have; why you should not erase the names of the persons challenged from the Registry of said first ward, or correct the assessors list of registered voters in that said first ward, of the district of Spring Garden, by placing opposite the names of the persons so challenged, and where names were not corrected and stricken off or proved to be legal voters, the letter C—or why a mandamus should not be issued by our said court to compel you so to do, and generally to do and abide the order of our said court in the premises—and this you are in no wise to omit at your peril.

Witness the Hon. Edward King, Esq., President of our said court at Philadelphia, this 5th day of October, A. D. 1838.

ROBERT MORRIS, Prothonotary.

The return of Samuel Copeland a judge of first day, and Jacob Copeland, judge for the second day of the election, in the first ward of Spring Garden, and David Woelpper, junior, and John D. Ninesteel, Inspectors of said election to the writ of mandamus issued by the court of common pleas of Philadelphia county, at the instance of Henry Simpson—respectfully shews:

That they being convened on the 12th day of October, at the place designated by the Sheriff for the purpose and objects mentioned in the 22nd section of the act of the 16th of June, 1836; the relator Henry Simpson presented the schedule hereto annexed, (and to the part of this return) marked, A, purporting to be the written statement required by the 22nd section of said act in case of challenges; and these defendants further stated that the only evidence laid before them, that notice had been given to the individuals challenged, or any or either of them is contained in the affidavit endorsed in said schedule, A, and these defendants further return that they consider the said notice or attempt at notice utterly nugatory declined examining into the grounds of said challenges, and furthermore as said law, according to their construction requires some proof before the letter C is placed opposite to the name of the challenged, that he could not be found, or some other sufficient excuse for not giving him notice of the challenge, they declined placing that letter against those names contained in relators schedule.—So answer,

SAMUEL COPELAND, Judge.

DAVID WOELPPER,

JOHN D. NINESTEEL,

JACOB GARDNER.

J. M. READ, for relator.

Defendants join in demurrer,

E.

F. W. HUBBELL, for defendant.



MONDAY, October 8th, 1838.

In the matter of the Registry of the first ward, Spring Garden.

Return and answer of the defendants filed, the relators demurs to the said return, and the defendants join in demurrer and therefore the court award a peremptory mandamus according to the prayer of the plaintiff in relators petition.

Certified as a true copy of the record of proceedings had in the foregoing matter of the election in first ward, Spring Garden.

W. O. KLINE, Prothonotary.

May 7, 1839.

THOMAS DOYLE, sworn.

I reside in the middle ward in the city of Philadelphia. I was clerk in the office of the county commissioners the year before last, 1837; was dismissed in 1838; previous to that time it was the custom when the day arrived previous to the six months before the election, that we entered no more names on the assessment book. We prepared a book for the purpose of entering such as were presented by the assessor, either by note or otherwise. Subsequent to the six months before the election, last year I was employed by Col. H. Simpson to draw a copy of the index from the assessment book of the 1st ward Spring Garden; I did so, and returned it to him. I made a note of the list, but do not recollect the number of votes it contained.— From the time I indexed the book there was eighty-five names added; after this Col. Simpson addressed me a note through the post office, stating he wished to see me at the Custom House. I went, he requested me to ascertain the names of the eighty-five persons who were added. I went to the county commissioners' office, took the index with me to ascertain the residence of these eighty-five persons. I applied to the commissioners' clerk to see the book of the 1st ward, Spring Garden; he told me I could not see it; I replied why so; he said you shall not have it. I replied I did not wish to take it away, I only wanted to see the residence of the persons in the assessment book; he then told me the book was at M. Desilver's the book-binder. I called at M. Desilver's store in Market street, took a gentleman with me, saw Mr. Lindsey the foreman, and requested to see the book of the 1st ward, Spring Garden. He asked me if I was not in the commissioners office; I replied I was not, I wished to see it. He then replied the book was all in pieces, he could not disobey orders, and unless I obtained an order from the county commissioners I could not see it. I went to Simpson with the index, told him of the conversation; next morning an article appeared in one of the papers, and the books then appeared in the commissioners office; I did not see or examine them; It was too late; they were regulating the registry list and after that I cannot tell whether any other names were added. I

do not recollect the time this occurred. I made no application for the books after they returned to the commissioners office, from Lindsay. I was clerk in the commissioners office a long time; since 1832; I was employed occasionally in the office since I was discharged, to copy an index. I believe the names were registered indiscriminately; after the assessment was made I saw several of the assessors add names after the time fixed by law for assessment had expired. I noticed this in several of the wards of the city, particularly in Chesnut street ward; they also added names in different wards and districts in the county. I knew several applications were made by others to obtain access to the assessment book. Mr. Pearsal I know made application; Mr. Pearsal was a candidate for office last fall; Mr. Lindsay is a federalist; Mr. Plankinton is clerk and a federal in politics; Mr. William O. Kline was clerk, is not now, his politics I do not know; I am a democrat in politics, have always been; Mr. Peter Albright's general reputation, and from general rumor for fairness at elections is bad.

THOMAS DOYLE.

Sworn and subscribed, April 26th, 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

WILLIAM PETERSOL, affirmed.

I reside in the 1st ward, Spring Garden, I have some little knowledge of the registry list, I examined it and found an increase of names of last year of two or three hundred, I think there was an increase of 11 or 1200 the year before; 134 were put down on age; I was at the correction on the first and second day of correcting the list, Col. Simpson read off a list of persons to be challenged, upwards of three hundred. He requested the judge, Mr. Gardner. to mark the letter (C.) opposite their names; while Simpson was reading the names Gardner said he would not hear him, and requested the inspectors to proceed in their business; Simpson replied, "I will read them whether you will hear me or not." Previous to this we appointed a committee to go around the ward and give a written challenge to the persons on this challenged list; Mr. Lovett reported that he could find but one in that ward, a boy. He was directed to throw the written challenges in the post-office. The letter carrier Mordeca Hart told me he could find but one in the ward. The inspectors refusing to add the letter (C.) were brought before judge King, who ordered the letter (C) to be added. I applied to the clerk of the county commissioners for the index of Lower Delaware ward, and also wished the allowance book. Mr. William O. Kline directed me to Mr. Plankinton, who stated the book was at the binder's, and requested me to call the next day; after it returned I obtained the index book, but could not obtain



the allowance book; at the time Simpson presented the list of challenges, the officers were all there but one; I was a candidate last fall for County Commissioner; the assessor goes round and takes down the names of the inhabitants of the ward, but who made out the list I do not know; I was very little on the ground during the day of election.

WILLIAM PEIRSOL.

Affirmed and subscribed, April 26, 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

JOHN MILLER, Sworn.

I reside in the 4th ward, Northern Liberties, prior to the election a number of the democratic party, to which I am attached, met in that ward, and divided that ward into twelve blocks, two or three in each committee. The committee I belonged to visited every house in the ward, I believe the others did so, each block contains about eleven and a half squares; we enquired the politics of each man we called upon in that ward, we had a list taken from the published list of the Sheriff, (witness here exhibited a list which is attached to his testimony) we marked on our list all the democrats, the list contained about 800 names. About ten days previous to the election, the judges and inspectors sat for the purpose of correcting the list and for challenging. The first day I attended the whole time they sat. I made the corrections on my list as they made them. I was careful to note all matters as they occurred. I attended the greater part of the second day. When I left this list was left in the hands of Powel Channels. During the time I presented a list to be challenged. I suppose this list contained twenty names, and handed it to Mr. Bela Badger, who was a judge of the election and requested an answer whether he would receive or reject it. He stated he would give me an answer the next day. The next day he stated that they decided to refuse this list as a challenge, at this time there was a number of persons present, Mr. Charles Hinkle, John C. Smith, Alexander F. Brown and others. Some conversation took place relative to rejecting this list between Brown, Badger and Smith, Badger replied that if they had left me and him alone in settling the matter, we would have had fair play. Mr. Brown said, then you intend to cheat us. Badger replied "yes I intend to cheat you." On the morning of the election I attended at the polls, took my place along side of the window, so that I could see and distinguish what passed and who voted. I had my book and noted all who voted. I remained there until about noon, when about two thirds of those who voted that day had then voted. I found that those who voted and were marked as democrats voted correctly with two exceptions, a democrat voted a whig ticket; the other not marked voted a democratic ticket I could



tell from the ticket how they voted, the designation of the democratic ticket for officers was printed in large capitals, and the federal tickets were printed in italics. When I left the book was left in the hands of Alexander F. Brown Powel Channels and others. From this book the result of the election would have been 213 for the democratic ticket; for the other ticket 464, leaving a majority of 191 for the whig ticket. The whole number of votes polled according to this book was 617. Mr. Emmo Kimber, one of the inspectors of the election told us that the number of votes polled would not exceed 630, this was about the close of the polls. I did not ascertain the state of the poll, nor have never heard it yet. The democrats in the Fifth ward were active. The inspectors had for clerk John Jordon. The officers in that ward were whigs. I know Jordon, and to the best of my knowledge, he was not a citizen of the state. His general character was that of a reckless young man. He arrived in the city shortly before the election, and left shortly after. I heard from persons who were from Alabama, that Jordon came from there. He was not a citizen of the county at this time; formerly resided here; went away and returned; is a single man. As a politician Peter Albright's general character was a very bad one; as a man who would not scruple to do any thing at elections. I know Albright long ago. In the fall of 1836, he told me that at a previous election he had thrown 124 tickets in the ballot box, to make 18 majority. My impression is he meant in the 1st ward. I suppose it was at a constables election, for he was constable of that ward himself. He is a man that I believe does not regard his oath, and I believe will cheat. I moved in the 1st ward in December, 1834, and remained until the spring of 1837. I heard that he had bet before the result was known, or offered to bet, but do not know that he bet money. Albright changed his politics in 1836. He wished to be nominated for assembly; the democrats refused and he left the party. The officers in the 4th ward were all whigs.

JOHN MILLER.

Sworn and subscribed April 26, A. D. 1839, before me

JAMES SNOWDEN, Chairman.

Witness discharged.

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JOSEPH W. BLIGHT, affirmed,

I reside in the First Ward, Northern Liberties; I know the number of votes in the ward, there are 624 voters in this ward; I registered them myself; there are about 100 in addition to those registered residing in this ward who are not entitled to vote; when I registered the votes I called upon every person at their residence, took down their names carefully; I did this on my own accord; this was a week or 2 after the election; I heard Albright, taking his own statement say, "that the whigs had more majority in that ward than there were voters

in it; I was bred and born in this ward; I saw a person vote in the name of Samuel Roney, who I knew was at Cincinnati, Ohio; there was no person of that name residing in the ward when I took the registry; he lived in that ward the year before, I know there were names added to the list after it had been corrected; Mr. Charles Winters, who keeps tavern in Callowhill street, told me that he had brought four men from Southwark, and obtained their votes on the day of election, and if another election took place between Mr. Ingersoll and Mr. Naylor he would bring them back again; Mr. Winters is a whig and was formerly a democrat; I saw Mr. Beard from Kensington attempt to vote in our ward, he had a ticket in his hand, I stopped him; there are 224 democrats in the 1st ward, which I ascertained when I went around the ward; Beard is a whig; I know that whigs from the city were brought to this ward to vote. I saw Geo. D. Patton and Robert Williamson vote; Patton resided at the Bull's Head, this is in the 1st ward, Williamson boarded in the 1st ward at the time he voted, I know both of them, they are single men; I was not employed or paid to register the voters in my ward, it was of my own accord; I told Mr. Stevenson, senator, of the intrigue practised in the ward; told others, but I do not remember their names; I made the register for my own satisfaction and those of my friends; I am a brush-maker by trade; do not carry on business in this ward; my present business is to manufacture brushes; the persons Winter's told me had voted, boarded at his house, and were got there for the purpose of voting in our ward; I do not know the name of the person who voted in Samuel Roney's name; one or two who voted the whig ticket were arrested at the polls and put in the watch-house, I did not see them dismissed or let go; I told Winter's when he brought up the fourth man I would have him taken up, but I was certain justice would not be done, I take an active part in politics when I please.

JOSEPH W. BLIGHT.

Sworn and subscribed, April 26, A. D. 1839; before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Zeilen.

Committee adjourned to meet at 9 o'clock to-morrow morning.

Subpœnas issued to Emmor Kimber, John Lewis, George Myers, John Martin, Lewis Snell.

Returnable, April 27, 1839.

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SATURDAY, April 27, 1839.

Committee met pursuant to adjournment.

Present—Messrs. Snowden, Flenniken, Zeilin, Roberts and Cunningham.

Sergeant-at-Arms reported that he had subpœned John G. Watmough, John Lewis, George Meyers, John Martin and Lewis Snell.



JOHN G. WATMOUGH, sworn :

I was acting as high sheriff of the city and county of Philadelphia. I endeavored to do my duty as sheriff, and was anxious to preserve order, quiet and peace at the last election. I employed a force sufficient to preserve peace and order at every poll, which was paid for by me, but afterwards refunded to me by the county commissioners. I stationed civil officers at each poll—they were deputations appointed by me; there were between two or three hundred men placed at Spring Garden, fifty at the Northern Liberties, fifty at Southwark, and three or four at Kensington. The men at Spring Garden I superintended myself; I never saw a more quiet, orderly election than the election in Spring Garden; since I have been sheriff I have every year done the same thing; there was a body of men at Temple's house, I placed them there for the purpose of preserving the peace, and kept them out of view to prevent any misapprehension; they had no badge to distinguish them; I provided staffs which were painted; these men were all very respectable; Temple's house was comfortably filled with men—would contain about 60 or 70; I have never before appointed such a large body of men; these men were composed of mechanics, were respectable and were of different politics; I suppose the entire number employed and stationed at the different wards amounted to about five hundred; I held meetings some three or four days before the election, and made appeals to all parties to preserve order; the men were paid for their services; some were on duty from Monday evening to Wednesday morning, who received \$6, others received \$5; there were men at Spring Garden; I took the force to Spring Garden on Monday evening, and they continued there until Wednesday morning; the men were put in Temple's house on Monday evening; I never left the poll till after 7 o'clock on Wednesday morning; on the evening the return judges met, I went to the state house a few minutes before 12 o'clock; my object in going there was to see that the day prescribed by law was complied with, that the return judges were under the roof I had ordered them to meet, and that the hour of twelve was not violated; I ordered the return judges by proclamation to meet there; I was not there during the whole time the return judges were in session; I remained there but about five or ten minutes; do not recollect whether the clock struck before or after I left; I left word with a number of persons where I could be found—I left word with those who had seceded from the majority of the return judges; I was not at the sheriff's office that evening, the office was not opened after 9 o'clock—if opened after that time, it was left open without my orders; I believe I was at my counsel's office, Mr. Williams, that evening; the returns were handed to me by, I think, Bela Badger, between 12 and 1 o'clock; I received no instructions what should be done with the returns; no one presumed to give me instructions; I gave the returns to my deputy; I have always sent the returns the moment I received them; I have never known so peculiar a case before; I saw one of my officers, handed him the returns immediately, paid him \$20, with orders to take them to Har-



risburg and deliver them safely ; I do not recollect of sending for my deputy ; he left for the inclined plane in company with Mr. Bela Badger ; I have no recollection of any conversation with Mr. William B. Reed that evening ; there was no arrangement made to send these returns to Harrisburg ; I considered the affair an unfortunate one ; I went into my office between 12 and 3 the next day, enquired for the other returns, obtained them ; these were marked as placed in my office at 9 o'clock that morning ; I sent these returns to Harrisburg by a gentleman introduced to me by Col. James Page, in whom I had confidence ; these returns I handed him on Monday morning ; the only reason why I did not send them by a deputy, was because I was authorized by no law to send a double set of returns ; at the time I handed these returns to my deputy, I expected there would be two sets of returns, which I took for granted by seeing the turmoil, &c. ; my office was never kept open after 5 o'clock P. M., except in cases of riot and disturbance, when I have gone to my office after night ; I did not keep away from the office to prevent the reception of returns ; I have always left word at my house, and if any person had called there, they would have been told where I could be found ; sometimes I have not received the returns for several days ; I had no notice whatever to delay the forwarding of the returns ; I have not the slightest knowledge that orders were given to the man having charge of the state house clock to prevent its striking at 12 o'clock ; I never heard that Mr. J. J. M'Cahen called at my house on Sabbath, although I think I was at home during that day ; I was informed that the secretary of the commonwealth received the returns I forwarded the same day ; on Monday morning, Col. M'Cahen called on me and claimed the returns he had left there ; I told him they had gone ; he then replied I was wrong, that the returns should have been sent through the post office ; I wrote two letters to Harrisburg, in one I acknowledged the first returns handed me as the legal returns, which I considered so because they were handed to me by a return judge, properly marked returns ; in the other I did not ; John L. Woolf was my authorized deputy, and I considered myself responsible for all legal acts performed by him ; the only reason why I gave the first return the preference, was that it had been returned to me by a return judge in person, in accordance with the act of assembly ; I do not recollect to whom it was addressed, or what it contained.

Question by the Chairman, Mr. Snowden :—When you received the returns from one of the six judges, did not you know that a majority of the seventeen judges were opposed to these returns.

Answer—I knew there was a difference between the return judges ; that a majority went one way and the minority the other, but what they contained I knew not. I knew the gentleman who handed it to me was in the minority. If Mr. McGahen's return had been handed to me first, it would have been sent immediately. I did not know what ticket would be elected by the returns placed in my hands first. I knew the fact that there was a majority in the county of Philadelphia

for the democratic ticket ; of which fact I informed a number of my friends. I thought there was no earthly means by which the rights of the people could be secured but by placing the whole matter before the highest tribunal. The secretary of the commonwealth enclosed me a draft for \$20 00 as a reimbursement for the amount paid to my deputy ; in this transmission the law was quoted in the letter covering the draft. The seven judges I found in the circuit court room of the State House when I called to see them ; I was not aware that the majority of the return judges had adjourned ; I saw the whole body of the return judges in the morning, saw that a difficulty existed and left them. I knew that the six judges intended to make a transmission of their returns. I arrived at this conclusion from what I saw in the morning, I did not know, nor was I informed that evening, that the majority return judges would make out a return, or what they determined to do. I at first learned on Saturday morning, when the second sett of returns were handed to me in my office, that a second sett had been made. There was some person in the room where I found the seven judges, name I do not know ; when I came in the room, the return judges were in the act of sealing the returns. I made no inquiry what became of the other return judges. I do not recollect of any person being placed in my custody on the day of the election. There was a row in Spring Garden, a young man was being beaten unmercifully, and I ordered Charles Whatman to bring him to me, which he did. There was a considerable disturbance at this time. I know nothing of a charge made against this young man, for fraud. I was not assailed while on horseback ; or charged with having acted unfairly by Mr. Hause. I do not reside in Spring Garden, but reside in the city. The election was most credibly conducted in Spring Garden ward, and I believe, at all the other polls. I remember that a charge was made of a young man having thrown a handfull of tickets in one of the boxes ; I was in the room at the time ; an explanation took place with regard to the manner in which those tickets were placed there ; which explanation gave entire satisfaction to all parties around the window, and to Dan'l Hotz. Whenever a doubt was expressed relative to the counting, an examination immediately took place. The registry list was published by me, and great care taken of it by myself, and not permitted to be handled by any but the printer, who received explicit instructions to copy it correctly, and take care of it. the law relating to the registry act was strictly complied with. I always kept the list under lock and key in my own desk, and permitted none of my deputies to handle or control it.

JOHN G. WATMOUGH.

Sworn and subscribed, April 27th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

Subpœna issued to Daniel M. Leisenring, returnable on Monday 29th inst.

On motion of Mr. Flenniken,

Committee adjourned to meet on Monday at 9 o'clock.



MONDAY, April 29, 1839.

Committee met pursuant to adjournment.

Present—Messrs. Snowden, Flenniken, Zeilin, Cunningham and Roberts.

Sergeant-at-arms reports, that he has subpoenaed Daniel M. Leising.

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JOHN MARTIN, sworn :

I reside in the fourth ward Northern Liberties. At the time of the election, I resided in the third ward of the Northern Liberties, I made a registry of the votes in the fifth and second ward, I went to each and every house in the fifth ward, made enquiry, and ascertained that there was a democratic majority in that ward, I have not the registry with me, it is at No. 17 in Green street, at Edward D. Martins, I made out this book from the information obtained from heads of families in that ward ; the whole number of votes were about one thousand, I made this in the latter end of October, it took me thirteen and a half days, I made it at the request of the democratic association of the fifth ward, and was paid for my services by a committee of that association, I marked, and was careful to ascertain the number of votes, and how they voted. The voters in that ward, all informed me how they had voted with the exception of four or five. I made enquiry, and ascertained by calling at the residences of voters in the second ward, how they had voted. There was a man with, and assisting me in this ward, the book will show by the marks I made, the number in that ward was about five hundred. The object of the committee was to ascertain the majority in this ward, I made the majority in the fifth ward for the democratic ticket about one hundred, and in the second ward about one hundred and fifty to one hundred and sixty for the whig ticket. I never heard the returns of either the fifth or second ward, Lewis Snell, told me that the whigs claimed in the second ward about three hundred majority. This I heard him say in November last. The number marked voting in the fifth ward for the democratic ticket was about five hundred, some thirty or forty told me who had been marked as voting, that they had not voted. I marked voting for the whig ticket about four hundred, I do not remember the number marked as voting the democratic ticket in the second ward. I was also paid for making the registry in this ward, I had reason to believe that each voter to whom I applied for information how they had voted, told me the truth. Witness here produced the book above referred too, further examination continued until to-morrow.

On motion of Mr. Flenniken,

Resolved that when this committee adjourns, it adjourns to meet at 3 o'clock this afternoon, agreed to.



SAME DAY, 3 o'clock, P. M.

On motion,

Committee adjourn for want of a quorum, until 9 o'clock to-morrow morning.

Subpœna issued to Thomas Downing, Jacob Painter, Joshua Fletcher and Michael Cochran, returnable April 30, 1839, at 9 o'clock, A. M.

Thursday, May 2d, 1839.

Examination of John Martin resumed.

In the second ward Northern Liberties, I visited 519 persons who were registered by me ; 34 of this number stated they did not vote on the day of the election ; 18 of this number I could not ascertain whether they voted the whig or democratic ticket ; I ascertained that five of the 519 left the ward about July last ; one left in March 1838, and one left in May 1838 ; all those registered by me were on the published list of the sheriff ; among these of my list and the sheriff's list, two told me they were aliens, and one of them told me he had voted, the other did not ; two were out of town on the day of the election ; one told me he was not naturalized and that he had voted ; one who was registered told me he was in Virginia on the day of the election, one was in Delaware, two in New York, two voted who were not registered, one voted no other ticket but for the amendments, one voted a split ticket, one belonging in this ward voted in Blockley township, and one in Spring Garden ; out of the whole number I found voting the whig ticket, were 283 ; those I found voting the democratic ticket, were 160. There were a number of names on the sheriff's printed registry, amounting to 44, whom I could not find in this ward, though I made diligent search for them. Those I referred to as being absent and aliens, were on the sheriff's printed register. The whole number I registered in the 5th ward Northern Liberties, was 965, out of this number sixty-two who did not vote on the day of the general election. One of this number told me he had voted the ticket for the amendments only ; one an alien told me he had voted, one voted who told me he was not entitled to vote in the fifth ward Northern Liberties. In visiting this ward two, from their conversation, were doubtful voters ; the whole number voting the democratic ticket, as they told me, were 499 ; there was 70 men on the sheriff's printed registry that were not to be found in the ward ; this was in the latter part of October ; some had no doubt moved out of this ward into other districts. Mr. Martin's further examination continued.

Friday, May 3d, 1839.

Examination of John Martin resumed, who produced the following papers referred to upon former examination.

No. 1. The five men referred to as having left the second ward in July last.

No. 2. As those who did not vote, voted, not registered, &c.

No. 3. Not ascertained which ticket they voted.

No. 4. Names of voters who did not vote.

No. 5. Names of persons registered, not found in 2d ward, Northern Liberties.

No. 6. Names on the printed registry not found in 5th ward, Northern Liberties.

No. 7. Names who did not votes, &c. in 5th ward, Northern Liberties.

No. 1, 2, 3, 4 and 5, as referred to include the second wards Northern Liberties.

No. 6 and 7 as referred to include the sixth and 7th wards Northern Liberties.

JOHN MARTIN.

Sworn and subscribed May 3, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

Paper No. 1.

Left the second ward in July last.

Robert B. Claxton,  
John Gamblin,  
Samuel W. Neal,  
Mathias Smith, Jr.  
Lewis Smith,

Paper No. 2.

Isaac Field, left in March, 1838,  
Wm. M'Nair, left in May,  
Ezekiel Foster, one year ago,  
Henry Elsmuller, alien, did not vote,  
Jacob Gulden, alien, dont know, vote or not,  
John Hancock, out of town on day of election,  
George Wise, do do  
James Haywood, voted, not naturalized,  
James Hassell, in Virginia state,  
Charles Loesser, in Delaware state,  
James Martin, in New York state,

John Vanmason, voted, not registered,  
 Wm. Weaver, do do  
 Elisha Wilkinson, for amendments only,  
 Samuel L. Clements, split ticket,  
 Andrew Rediper, voted in Blockley,  
 James Sharp, do Spring Garden,  
 Gideon Pritchett, did not know, voted, registered or not,  
 Edward Corey, N. A. not registered,

Paper No. 3.

Not ascertained which ticket they voted.

Wm. B. Baker,  
 Wm. Boyd,  
 John Breandlinger,  
 George Bleickford,  
 Edward W. Beeshnell,  
 George L. Chambers,  
 Alexander Coyle,  
 Godfrey Haynes,  
 Joseph Hillier,  
 Henry Knauff,  
 Peter D. Myers,  
 John S. Pearson,  
 David Soby,  
 Mathias Smith,  
 Thomas Speakman,  
 Mr. Walters,  
 Benjamin H. Warden,

Paper No. 4.

Names of voters who did not vote.

Richard Airy,  
 Benjamin Booth,  
 Julius Bedticher,  
 Alfred Bitting,  
 Joseph Carr,  
 John W. Clark,  
 William Cook,  
 Daniel Curry,  
 Thomas E. Chapman,  
 George S. Craige,  
 John Duncan,  
 William G. Eckhardt,  
 Edward Epplesheimer,  
 William Gordon,  
 Martin Harmstead,  
 John S. Hough,  
 Lorenzo Hicks,



Samuel Johnson, sick.  
 Emanuel Jester,  
 Abijah Price,  
 William Quayle, Sr.  
 James Richardson,  
 Israel Roberts, Jr.  
 John Shirey,  
 James Stroup,  
 Thomas Smith,  
 David Stainrook,  
 John Vanderbelt,  
 Israel White,  
 Thomas Wight,  
 John Wallace,  
 John S. Whirlow,  
 Abraham Woerner, sick.  
 Henry Yahn,

Paper No. 5.

Names of persons registered not found in second ward Northern Liberties.

George Buck,  
 Alphies Cooper,  
 George Campbell,  
 John Cohen,  
 Thomas Cook,  
 John C. Drake,  
 William H. Delano,  
 Adam Fry, on age.  
 William Harrison,  
 John Hand,  
 William Homer,  
 Thomas Hufty,  
 William Height,  
 George Jackson,  
 John Kohler,  
 Patrick Keaugh,  
 Enoch Keen,  
 Jacob Link,  
 Barnabas Leinch,  
 George Lush,  
 George Moore,  
 William Mason,  
 John McGurk,  
 Samuel Morgan,  
 John Matlock,  
 Alexander M'Gonegal,  
 Robert Neal,  
 Henry Pippenger,

Peter M. Pitcher,  
 John Rowlett,  
 Valentine Shower,  
 Isaac Knight Tyson,  
 William Totten,  
 James P. Totman,  
 William Versellis,  
 John Wright,  
 Henry Weightman, Jr. on age.  
 William S. Wolf,  
 Abraham Weaver,  
 George Wilson,  
 Isaac R. Williams,  
 Samuel Weiss,

### Paper No. 6.

Names on the printed registry not found in 5th ward, N. L.

Cristian Amos,  
 Alfred Allen,  
 John Arm,  
 Aaron Bryan,  
 Frederick Butler,  
 Jacob Beale, Jr.  
 Moses H. Baints,  
 John W. Brue,  
 Richard Barris,  
 Mr. Beckster,  
 Wm. Craren,  
 Amiable Coursault,  
 John A. Clark,  
 John Donaldson,  
 Jacob Donaldson,  
 John Eichill,  
 Charles Ennis,  
 George Finch,  
 Henry Fouse,  
 Francis Fagoite,  
 Thomas Frank,  
 Frederick Fnehurt,  
 David Gomery,  
 Peter Gout,  
 Mathew Gawl,  
 Gotlieb Glefiter,  
 James Hoover,  
 John Hoffman,  
 Thomas Hunsbury,  
 Henry Facoley,  
 James Kelly,

John Kimble,  
 Collen Kimble,  
 John Krane,  
 C. Klutz,  
 Jacob Lentz,  
 Jacob Lusby,  
 Francis M'Intosh,  
 Augustus Metyger,  
 John M'Guier,  
 John M'Leary,  
 Nathaniel Nimrone,  
 George Oram.  
 Peter Provast,  
 Samuel Pidgeon,  
 Isaac Powell,  
 Jesse Ritter,  
 James Reamer,  
 Samuel Reed,  
 Samuel Richards,  
 Fedoes Reci,  
 Martin Saugman,  
 Enos Sweeney,  
 George Strut,  
 Nicholas J. Towns,  
 Wm. Thompson,  
 John W. Taylor,  
 Perryman Weaver,  
 John Weeds,  
 Charles Will,  
 Charles Wilson,  
 Thomas Williams,  
 George V. White,  
 James Warton,  
 George Wickam,  
 Lewis White,  
 Wm. Williams,  
 Charles Winginbeller,  
 John Young, left Philadelphia two weeks before the election, gone to  
 Baltimore.

Paper No. 7.

Names did not vote, &c. 5th ward, Northern Liberties.

William Alexander,  
 George Bickham,  
 William Barr.  
 Ebenezzar Barrows,  
 Joel Bateman,  
 Peter Bartleson,  
 Zachariah Blecher,



Leopaul Coursaul  
 Thomas Clark,  
 David Crawley,  
 Ezekiel Coston,  
 Lewis Cook, left Philadelphia ten weeks ago.  
 John A. Curtis, died before election.  
 John Dilman,  
 John Davis,  
 Smith Freeman,  
 John Fegenbush,  
 Joseph Giberson, voted in Kensington.  
 John Gordon, inspector, not entitled to vote.  
 Richard Hayward,  
 George Hawry,  
 George D. Hanck,  
 John Hirschberg,  
 Samuel Irwine, on age. A. Mintzer, would not register him, would  
 not let him vote.  
 Joseph Keyser, left a month since.  
 Henry Lamb,  
 Ephraim Lukens,  
 George Lufier,  
 A. D. Louiset, alien.  
 Joseph Leatherberg, left 19th August, died five weeks since.  
 Comly L. Lukens, Bucks co. hotel, not of age.  
 Joseph Miller,  
 John Mason,  
 James Mathew,  
 Edward Mullen.  
 George Mull,  
 Daniel McGargee, would not let him vote.  
 Gotleib Nagle,  
 Henry M. Nagle, left Philadelphia in June.  
 Jacob Richmond,  
 Ellison B. Linmire, doubtful.  
 James Smart, voted, not naturalized.  
 Charles Rubicum, amendments only. Information by William Gold-  
 smith.  
 John Turner, not entitled.  
 Edward Price,  
 Abraham Peters,  
 Andrew Plish,  
 Thomas Rawling,  
 Charles B. Roberts,  
 Israel Sell,  
 Peter Shull,  
 Jacob Stout,  
 Gotleib Shultz,  
 Wm. W. Stratton, removed to third ward.  
 F.

Charles Snyder,  
 Frederick Smith, left one week before election, gone to Pittsburg-  
 Eden D. Stewart,  
 John Sands, left two years ago.  
 Jacob Tripler, Sen.  
 Nicholas A. Thorn,  
 James Taylor, dead.  
 Christian Ungerbuler, D. S.  
 Wm. Vinyard, at sea 12 months.  
 John W. Waterman,  
 James Williams,  
 David Wolf,  
 David Young, Jr. left in March.  
 Isaac Zane,

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APRIL 30th, 1839.

Committee met pursuant to adjournment,

Present—Snowden, Roberts, Zeilin, Flenniken and Cunningham.

Sergeant-at-arms reported that he has subpoenaed Thomas Downing, Joshua S. Fletcher and Jacob Painter.

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#### THOMAS DOWNING, sworn:

I live in the Terret of the State House, I was appointed doorkeeper at the meeting of the return judges, and have been for a number of years. In the forepart of the day there was somewhat confusion, a thing that I had never seen before, there was various persons admitted in the room that were never admitted before, among them was Mr. Charles J. Ingersoll and Mr. Charles Naylor, Col. Watmough was in frequently and others whom I do not recollect; I staid there all day until 9 o'clock at night; the return judges wanted some other place, the application appeared to have been made by both parties; the larger portion of the return judges had left before 9 o'clock, those remaining I left in the United States court room, there were seven or eight of them, Mr. Charles Naylor and Sheriff Watmough went in, I left the Sheriff out about 12 o'clock, he was not in longer than about ten minutes, came in after 11, left before 12 o'clock, I was asked by a gentleman if there was no way to prevent the clock from striking 12; it was one of the judges, name I do not know, I dont think there was many democratic judges there; I told them there was a way to stop the clock, but I would not do it, the clock was not stopped but struck 12, it was on the stroke of one when they were done and went out, the name of the judge in the room was Mr. Bela Badger, Mr. J. Rob-

bins, "clerk," was there. There were several in the room besides Mr. Naylor, who I call fisti-cuff-men, Mr. Thornton and Wm. E. Delaney were among them; in the morning when I went into the room, first, Mr. Charles J. Ingersoll might have been there, Mr. Charles Brown was there also, I was standing at the front door of the state house, and went up at twenty minutes before 12, when I was called upon to stop the clock, at this time before they adjourned at one o'clock, they were busy writing, sealing and directing papers, I did not see them making up any papers before 12 o'clock. They might have done so without my seeing them, I do not know what particular papers they made out; the fisti-cuff-men I saw there in the evening were whigs, these same men were there during the afternoon of the same day, the man who asked me to stop the clock was one of the return judges, the room was crowded during the day, those I let in the room claimed to be witnesses, dont know the politics of the witnesses examined, I am a democrat; I know that there are federalists and democrats, but I am a democrat, those I admitted were of both parties, I know these fisticuff-men to be whigs, I hold my office under the city council and was appointed by the federalists.

THOMAS DOWNING.

Sworn and subscribed, April 30th, A. D. 1839, before me,

JAMES SNOWDEN, Chairman.

Witness discharged.

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JOSHUA S. FLETCHER, affirmed.

I live in Moyamensing, in Catharine street. I know Dr. Michael F. Groves. He was inspector in Moyamensing on the day of the election. I was clerk of the two preceding elections in Moyamensing. He happened to take a jump, and went over to the opposition. He met me in the lower part of Moyamensing, on the rail road, and asked me how I was going at the election, if I could swallow the nomination, and if he and I could agree it would be an advantage to me. That I should have \$50 00 and get \$10 00 to go inside and act as clerk. He told me to make up my mind and call again. I did so. He told me he had seen no one and that he was up for the highest bidder. He told me he could not do much until he got the registry—that he was to have the first copy, and requested me to call again. I called upon him daily from that time until the correction of the registry. One of the evenings I called upon him, he said that there were two hundred and five of our men, "democrats" taken to work on the canal and rail road, and if they would not support Ritner, that they would not be permitted to vote, but if they would vote for Ritner they would be permitted to vote. That the tax receipts would be made up for them. That if you and I can agree, we can make up the deficiency. I have done the like before and can do it



again. I called upon him again. He had then heard I was not the Simon pure—that I was going in the old track, continuing to support the democratic party, and that he could not trust me. I called upon him again; a man by the name of Andrew Kirkpatrick was there. Groves asked him, dont you think Fletcher can be trusted, Kirkpatrick replied “o yes he can;” after some conversation Dr. Groves said that the democratic county ticket is to be defeated. I asked him in what manner, he replied wait and your shall hear. I said suppose there are votes enough; he said never fear, we have made arrangements, and the democratic county ticket must be defeated; Charles Brown must not go to the legislature. I met him again, he said to me there is a great talk about you, Joel B. Sutherland—says you must not go inside—that you are a friend of Paynter. He replied never mind, dont be angry you shall be remunerated or rewarded.—This was on the evening before the meeting of the correcting of the registry. On Monday they were to have a caucus on the evening of the 10th. I met him at the corner of South street, he wished me to come there. He requested me to call upon Mr. Samuel F. Reed to see and get his influence with Mr. Joel B. Sutherland, to have me appointed one of the clerks. He said Mr. Stevens Burns was going in, and if I would go in it would be the making of me; it was a fine field for young men. I did not go to the meeting. I saw him at 10 o'clock; Dr. Groves told me it is all fixed, you cannot go in as clerk, you shall be appointed a Sheriff's officer on the day of election. He said that there was \$3,000 00 appropriated to carry on the election in the county of Philadelphia, and with it they could make something out of it. I suppose he meant to distribute it among us as bribes. I again met him and had some conversation with him. I was present at the time the registry was taken. The Sheriff ordered us out of the room; at the conversation with Dr. Groves before referred to, he told me that they would correct the registry with closed doors; after we assembled Dr. Groves got up and requested all to leave the room, and he would correct the registry. We did not leave the room. Mr. Charles Brown read the law upon the subject. Dr. Groves threatened to go for the Sheriff, and did go for him; we then appointed a clerk to take down the names of all who came to be registered. Dr. Hubbell a resident, came and asked to be registered, he found his name was not there. He was told that Dr. Groves was away, and refused to register his name, unless he left the room. The Sheriff came about 3 o'clock P. M. he said he understood there was a riot. Mr. Charles Brown said he would not leave the room, unless forced to do so. We suggested to them to take one citizen for each window to register the names; the Sheriff then said certainly. Dr. Groves jumped up and said no. The Sheriff then said it cannot be, and commenced putting us out of the room. He put his hand on Mr. Charles Brown, who went out, then took out several others. Mr. Farrell was determined not to go out; the Sheriff then gave way and permitted us to choose two men, Mr. Philip C. Donnelly and Mr. James Ronaldson. I never called upon Dr. Groves again; I did not get my

appointment or his money; I did not wish his money. It was never my intention to take money; my object was to get inside of the house and see fair play. I would have got the money and office both if I had gone with them. I communicated all the conversation with Dr. Groves to Charles Brown Samuel C. Thompson and Edward A. Pennington, to show them that I had no intention of being bought by them; they gave me no advice, nor did I ask them for any; what course to pursue; my own judgment dictated what course to pursue. I was daily in company with these gentlemen. Had I been appointed clerk I would only have taken the legal fees appointed by law for my services. I intended to expose their schemes and frauds on the morning of the election had I got inside. Dr. Groves had the windows boarded up; there was only a small hole at the window; the commissioners had left it up for a few days, and then took it down on the day before the election. I saw men employed by the Sheriff, some of them told me so; one of them ordered me to be quiet or hold my tongue, and said he was a Sheriff's officer. I am a coach trimmer by trade.— There was 20 or 30 men at the correction of the registry of both parties; at one time there was but three in the room; sometimes as many as fifty, who came to have their names registered. It always was a general rule for the people to go in the room, and see that their names were registered. I did not see the list of voters of Moyamensing; I am well acquainted with the democratic voters of Moyamensing, there were some of the poor persons missing on the day of election, who did not vote, but I do not recollect the number of them. At every election we appoint a committee to bring up the voters, we generally appoint men who we know will do their duty. These committees do not report; I was told on the day of election, that there were several of our voters missing; I was not on the committee; I was no applicant for any office; I gave myself no trouble about the matter, because I was disgusted at their conduct. At the time I communicated the conversation with D. Groves, to Mr. Charles Brown, Samuel C. Thompson and others, they gave me no advice, they know my character, and I would have considered it an insult in them, to offer such a thing. The politics of Andrew Kirkpatrick is the same with Dr. Groves. I believe he is a runner in the United States Bank.

JOSHUA S. FLETCHER.

Sworn and subscribed April 30, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

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JACOB PAINTER, sworn:

I was inspector of the 7th ward, Northern Liberties, at the last election; Mr. Bela Badger was our return judge of that election; I did not see him sworn on that day; I saw them all sworn or affirmed with the exception of Mr. Peter Albright; I noticed that Albright



was not sworn; I am certain he was not sworn in that hall—he might have been sworn somewhere else—the other officers were sworn in the hall—it is usual to swear them in that hall, I was sworn there myself; I saw him file no paper that he was sworn elsewhere; the year before last he was inspector; I observed that Mr. Albright was not sworn for the reason that I noticed he was not sworn the year before; Mr. John C. Garrish was a judge of the 7th ward, and took one of the tally lists from us, and took it to Mr. Bela Badger; he did not bring it back; we asked him what he did with it, he said he knew nothing about it; we went to Mr. Jacob Heckley and asked him for it, he said he knew nothing about it; when I first went in, I thought Heckley was to be our return judge; Mr. Heckley was active as the year before in preparing papers; I do not know what office he held; he took a right whether he had or not.

JACOB PAINTER.

Sworn and subscribed, April 30th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Zeilin,

Committee adjourned to meet at 9 o'clock to-morrow morning.

WEDNESDAY, May 1st, 1839.

Committee met pursuant to adjournment.

Present: Snowden, Zeilin, Roberts and Flenniken.

There being no witnesses in attendance, committee adjourned to meet at 9 o'clock to-morrow morning.

MICHAEL COCHRAN, sworn,

I reside in South street below 4th street, in the city; I was not employed by Samuel H. Fisher, late register, in relation to naturalization papers that were prepared for any part of the state.

Question by the Chairman, Mr. Snowden.—Do you know of any blank naturalization papers being prepared to be used and filled up for the late general election.

Answer.—The witness declines answering this question for the reason that the answer would criminate himself and friends.

THURSDAY, May 2nd, 1839.

Committee met pursuant to adjournment.

Present Messrs. Snowden, Flenniken, Cunningham, Roberts, and Zeilen.



ALFRED M. CLARK, sworn,

I reside in the 1st ward in Kensington; I was judge on the day of election; nothing occurred there but what was I believe right; I left for Harrisburg on the 2nd day of December; I was in the Hall of the House of Representatives on Tuesday; I stood to the right of the clerk of the House, near the fire-place; I saw Mr. Stevens talking to a considerable body of men, about 20 or 30, near where he sat, I saw him whispering to them and saw him give one of them a paper; a gentleman told me his name was McCoy, and that he was a Halifax bully; there were a great number of people near Mr. Steven's; Mr. Andrew Krause, sergeant-at-arms, told me that two of these men from Halifax were dangerous men, and that he had understood they had killed a man; on the same evening I went to Mr. Gleim's to see a gentleman, he had gone to bed, I there saw the same men I had noticed in the rear of Mr. Steven's seat; Mr. John A. Fisher, a lawyer, of Harrisburg, was with them, I stepped to the bar to take a glass of ale, Mr. Fisher said that there were men came from Philadelphia county who were a set of god damned rascals; I told him the men from Philadelphia county were as respectable as those from other parts of the state, the men got around me pretty close, Mr. Fisher appeared to be the leader among them; I told Mr. Gleim I did not wish to be insulted in his house; Fisher had a cane which he handled, I told him if he struck me with that cane, I would make a hole in his vest, these men were advocating the cause of the whig members from the county of Philadelphia; I left the house and went to my lodgings at Mrs. Buehler's; next morning the dispute took place at the arsenal; I saw some of these men referred to walking in the arsenal, with fixed bayonets and muskets, up and down the window; the window was raised; I saw them ramming down their ram-rods, appearing to load their muskets; the citizens of Harrisburg appeared to be very much opposed to this, and wished to know the cause of it; the citizens of Harrisburg told the keeper of the arsenal if he did not tell the cause they would break open the doors and come in the arsenal, stating they had as much right there as the Halifax bullies he put in, he replied that there were armed men in the arsenal and they must go off; the keeper was in the same room with them; a proposition was then made by the citizens that a committee of three should be appointed to go in the arsenal, this the keeper agreed to; he then came out, and Gen. Diller, another gentleman, name I do not recollect, but on reflection think it was Mr. Charles F. Muench, and myself were appointed said committee; keeper then said the committee should not go in, he then went in and locked the door after him, he then looked out of the window and said he would not let the democratic committee go in, but if two whigs and two democrats were appointed he would allow them to go in; I think he selected two whigs, citizens of Harrisburg and Gen. Diller and myself were appointed, some gentlemen took the keeper aside and whispered to him, do not recollect who it was; the keeper then said, "gentlemen if you stand

back I will open the door and the committee may go in;" the people around the arsenal stepped back about twenty or thirty paces; the committee remained near the door.

On motion of Mr. Roberts,

Committee adjourned to meet to-morrow morning at 9 o'clock.

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FRIDAY, May 31st, 1839.

Committee met pursuant to adjournment,

Present.—Snowden, Roberts, Zeilin, Cunningham and Flenniken.

Examination of Alfred M. Clark, continued. The keeper then unlocked the door, went in, took the key inside, then went to one of the windows and said he had orders to let no one in, told the people around the arsenal, if they would go away, he would let those men out himself; the people then dispersed, it was raining, two or three hours afterwards they were left out; I saw the people, the same I saw in the House of Representatives referred to, and at Gleims; I saw them run into Gleim's house; I saw several persons together at Gleim's house; I understood the cause of the people assembling at the arsenal was in consequence of men being in the arsenal, and wanted to know the reason why these men were put in the arsenal with arms, &c.; there were two or three hundred at the arsenal, not many from Philadelphia. The first cause of the excitement was the people catching a boy with a box full of cartridges, wheeling them on a wheel-barrow towards the arsenal, the back way, this was about 10 o'clock; I did not see the boy nor the cartridges, we understood they were cartridges; I did not see the cartridges go in the arsenal, Gen. Diller did not form men into line, nor drill them; he might have directed them to form a line and stand back; I heard of no rumor of men attacking the arsenal, he endeavored with Mr. Charles F. Muench of Harrisburg, to keep peace and order; I went to Harrisburg on Sunday; I went with the members from the county of Philadelphia; I saw William Warner and Mr. Greer at Harrisburg, and several others of my acquaintance; I know of no men being quartered in the jail at Harrisburg; saw no boxing or sparing among those from Philadelphia county; I know of no meeting at Mrs. Hotz's, on Saturday evening previous to the meeting of the legislature, nor of any other meeting; I do not attend many meetings in the Northern Liberties; I never saw any funds raised for persons going to Harrisburg; I have heard of people borrowing, and saw money lent to go to Harrisburg, have lent it myself; I wanted to see what was going on at Harrisburg; I was not requested by any person here to go to Harrisburg; went on my own responsibility; I do not know but what I was at Mrs. Hotz's or somewhere in 9th street, before the meeting of the legislature; there was a meeting held there perhaps twenty or thirty attended; I



did not go in the meeting, but was only in the bar-room; I did not know the object of the meeting; I think Mr. John Abraham or some other person, and I came up from the city together; am not certain; I saw no money raised or distributed at that meeting; I saw no money loaned either to Mr. Warner or Mr. Greer; I saw Wartman at Harrisburg; saw him in the Hall of the House of Representatives at different times, and different places on the 4th of December; I saw a man they call Frederick Fritz there; I attended two or three meetings in the court house at Harrisburg, the proceedings were published; there was some disturbance after these meetings, occasioned by persons being arrested for conspiracy; I know of no money being transmitted to Harrisburg from here during the disturbance there; I never heard of committees sitting at "Hollahan's," for the purpose of raising money to send to Harrisburg; I was at Harrisburg nearly three months, there nearly all winter; I think I was there three or four weeks, returned and went up to see the Inauguration; I am no office holder, would have received an appointment from the Governor; made no application to the Governor for an office; I never saw a cent raised to send to Harrisburg in my life.

A. M. CLARK.

Sworn and subscribed, May 3rd, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Zeilin,

Committee adjourned to meet to-morrow at 9 o'clock, A. M.

SATURDAY, May 4th. 1839.

Committee met pursuant to adjournment.

Present—Snowden, Flenniken, Roberts, Zeilen and Cunningham.

Sergeant at arms reported that he has subpoenaed George Meyers.

GEORGE MEYERS, sworn.

I reside in 5th ward Northern Liberties; I assisted Mr. John Martin, in making the registry of the 5th ward Northern Liberties. His testimony, which I have heard read in relation thereto, is correct. We spent three days "after we were done registering," in searching for the seventy names on the printed registry, and could not find any of them. I believe there are no such men in the country or in the world; at all events none about this place. I travel the town every morning and evening, in distributing newspapers; the Daily News in



the morning, and the Evening News, in the evening. I inquired of other carriers, had a list of their names with me, and never could see or hear of any such persons as contained in paper (No. 6) attached to the testimony of John Martin. The carriers referred to, were William Young, who carried the Pennsylvanian, "and has since enlisted; Mr. Drinkhouse, had a route in Kensington District, carried for the Daily Evening News; and others of whom I had enquired. I think I have the list of names yet; I carried it in my pocket a considerable time, and it is pretty well worn out; I think I have it at home. After we were done and had made the enquiries above referred to. The citizens of the ward of both parties requested a meeting to be called, for the purpose of having the names read and a statement made how they had voted. The meeting was called pursuant to public notice, by handbills which I served in every house in the ward. I know the ward well; was born in it; brought up in it, and still continue to live in it. After serving these notices we had a very large meeting without distinction of party; the largest I ever saw convened; it was held at North East corner of Coates and Budd street, at the house of Mr. John Sheaffer, in the largest room in the ward. Mr. John Martin and I gave a statement to the citizens of what we had done; Major Rice a secretary of the meeting read the names of the seventy persons above referred to. Mr. Thomas Bradford, chairman, put a question to Mr. John Martin, "whether he had made diligent search for these names;" Martin replied "Yes, I have and so has Meyers; that we could not find any such persons, or any body that knew them. The chairman said, call these names over; and they were called over, and as each name was called, an inquiry was made whether any person knew such a man; no one in the meeting said they did.

Some person in the back end of the room, then moved, "name I do not know, did not see him," that a committee be appointed to see what had become of the men, and if any person knew them. A gentleman by the name of Sturgis, said no, he hoped not, that two men had commenced it, let them finish it. I then stated to the chairman, that I would have no objection to make further inquiry, when I was distributing the papers, and also make general inquiry of other carriers in relation to those persons—I knew they did not live in the ward—if they lived in other wards and voted in that ward, I would have them prosecuted. The question was not put, the meeting was satisfied—other business was transacted, and the meeting adjourned, to meet that night week at the same house. The secretary, major Rice, then published in the newspapers a call for an adjourned meeting, stating what the object of the meeting was. The adjourned meeting took place; I attended and stated what I before mentioned, and that I could receive no further intelligence of those men. Mr. John Martin agreed to what I stated—we were discharged, and the meeting adjourned. I read the proceedings of that meeting in the Public Ledger and Pennsylvanian; it was published in the "Ledger" because the meeting was

without distinction of party. I have no copy of the notice that I distributed through all the houses. Thomas Bradford is a democrat in politics; major Rice is a democrat; Mr. Sturgis is a democrat. At the first meeting I suppose there was three or four hundred in attendance. At the adjourned meeting there was, I suppose, two or three hundred. At the first meeting Mr. — Dillman, a whig living in Second street near Brown street, in the 5th ward Northern Liberties, was a vice-president—a man by the name of Mr. Christian Reed, a democrat, was another vice-president. There were three whigs and two democrats vice-presidents. There was a good many whigs at the meeting, those I recollect as being there are Messrs. Carpenter, Sheetz, Young, Shepherd, Caldwell, Stineour, Sherman, and others, names I cannot now remember. Carpenter and Sheetz I saw at the second meeting; those I recollect from the circumstance of my drinking with them. I doubt of these seventy persons voting. I know that there was more votes counted than there are persons living in the ward, or ever lived there at any time.

GEORGE MYERS.

Sworn and subscribed May 4th, A. D. 1839, before me.

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Roberts,

Committee adjourned to meet on Monday next, at 9 o'clock, A. M.

MONDAY, May 6th, 1839.

Committee met pursuant to adjournment—Present: Snowden, Roberts, Zeilin and Flenniken.

There being no witnesses in attendance,

On motion of Mr. Zeilin,

Committee adjourned to meet at Harrisburg, at such time as called by the chairman.

NORTH EAST COMMITTEE ROOM,

*Harrisburg, May 14th, 1838.*

In pursuance of notice given by the chairman, and adjournment at Philadelphia, committee met.

Present: Snowden, Flenniken, Cunningham, Zeilin and Roberts.



JOHN MONTELIUS, called and sworn :

I came to Harrisburg the day before the meeting of the legislature, it was on Monday ; I received a letter from Mr. Stevens about three weeks before the meeting of the legislature, it was dated the 29th of October last, wishing me to be here at least three days before the time. [Witness here produced a letter which he read, a copy of which is attached to his testimony.] The letter I received was enclosed with one of Mr R. P. M'Clay who asked me whether I could come at the time; after I arrived I met with Mr. Stevens, think up stairs at Wilson's hotel, it was in the evening ; there were a great many there ; I did not know at the time who they all were ; Mr. Stevens and Mr. T. S. Cunningham and Mr. Spackman were there, whom I knew, also Mr. Zeilin and about forty others ; we consulted what to do ; the plan as developed in the house of representatives, was there agreed upon ; Mr. T. S. Cunningham was to be the speaker, and Mr. Zeilin one of the tellers ; the plan was we were to act with the whigs and keep the democratic members from the connty of Philadelphia out ; it was agreed upon that Thomas S. Smith should make the first speech, and Mr. Stevens was to nominate the tellers ; Mr. T. S. Cunningham was to be provided with a pocket bible, and we were to have every thing ready ; I was willing to go on with them the first day, but after the first day it hurt my feelings, and I felt bad about it ; I thought the old clerk should take the question, and we would proceed as heretofore, but Mr. Stevens made a motion to appoint tellers ; there was a great confusion at the time they voted for speaker ; some said I, some said here, some voted for Mr. T. S. Cunningham, and my colleague, Mr. Funk, did not vote at all—he sits near me ; Mr. Stevens took notice that Funk did not vote ; he came to me and said, “ where the devil is your man ;” I replied, why he is sitting back there ; I went to Mr. Funk and asked him why he did not vote, your name is called ; he replied that he did not hear it ; I then told him that Mr. Stevens wanted to see him, and took him to Stevens, saying here he is ; Stevens said “ it makes no odds whether he voted or not, his name was taken down any how ;” this hurt my feelings again, for I knew he had not voted ; after the speaker was elected we were qualified, and left the house as soon as we could, or sooner provided we had possession rightly, and then we ought to have kept the house ; our agreement was to vote for Mr. T. S. Cunningham for speaker ; after we adjourned, it was agreed to meet on that afternoon at the house, but did not ; on Thursday, after we met at Wilson's and organized, Mr. T. S. Cunningham was speaker, and we elected a sergeant-at-arms ; there were only forty-five members present, for I counted them ; while in session at Wilson's, a committee from the senate came in and informed us that the senate was organized and ready for business ; it was said and understood that if we would stick together, we could elect our United States senator, printers, state treasurer, and canal commissioners ; I attended at Wilson's three times ; I went and Sturdevant staid away, I staid and Sturdevant went, then we both



staid away ; I told them that I was sorry that I had gone so far, that I thought it was not a straight course, and advised them all to go together, and we could fix the matter, let both speakers resign and elect a new one, let us throw the sixteen Philadelphia county members out and elect new ones, or I would not go with them any longer, that the majority should and would rule ; they would not agree to this, but wanted to keep the eight whig members in ; this proposition, I made to Mr. Funk, told Samuel Shoch, Esq., and all others who came to see me, among whom was Mr. John Gebhart, late secretary of the land office, and Ner Middleswarth, Esq.,—this was at my seat ; I gave our party notice that if they would not agree to this, I would not attend any more ; this I told to Mr. Funk on the 15th of December ; at the time I made the proposition to them to throw out the sixteen members from the county of Philadelphia, they said they would not agree to it, that they must have the eight whig members to keep their seats, and afterwards appoint a committee to have the matter investigated ; on the 14th of December, I met Mr. Funk, he said, come Montelius, we must have you, we are going up stairs, all is ready ; he said the senate would recognize us if we were all there ; I said I would not agree to this unless they accepted my proposition to throw the Philadelphia county members out, that the majority must and will rule in a free country, let it go in our favor or not, that I have always taken a straight course as far as I could see, and would always do so ; I told him I was afraid it would hurt our party by doing so ; I did not go in, but left him.

On the 15th December I met Funk about one hundred yards from my boarding house, he said, now Montelius, I am sent to give you notice to attend our meeting this morning, if you do not attend our meeting we will have you broke down ; we will write to every part of your district and have you broke down ; then what will you do ; I replied to him, that it was hard for me to answer ; I told him you can break me down, I dont care for that, I will never go with you or attend any meeting unless you do right ; but here is something, witness laying his hand on his heart, you cant break down ; I told him you know our election for speaker was not right ; he said it made no difference, his intention was to vote but he did not hear his name called and did not vote ; I thought of being broke down and could not eat, I was troubled all day, I reasoned with myself and concluded to do my duty ; Saturday at 3 o'clock in the afternoon, I went to Gov. Ritner's and met Stevens there, Stevens said, Montelius are you alive yet ; I said yes ; Stevens said they have not killed me yet, and I will sooner die than give way ; Stevens said something to Ritner about men turning traitors ; Ritner said before he would give way he would sooner see them damned ; Mr. Lloyd was there ; I then left for my boarding house and told Sturdevant what had happened ; that I now saw that we would have trouble, and something must be done to have the matter settled, and if they would go with me on Monday that I would have the matter settled and have peace ; he said he and Butler were willing and would go with me on Monday.

On Monday morning I told him I had no rest, and asked him to go with me, that if they would not I would go myself; he replied that he and Butler were ready and would go with me, before I left my boarding house on that morning, Mr. Funk came again, said it was reported that I had intended to go into the Hopkins' house, and that I should wait a couple of days yet; I told him I would do what I thought was right, but supposing he was sent as a spy, I did not tell him I intended to go into the Hopkins' house, I then came up to the house and took my seat, where I now sit; Mr. Robert M'Clay came to me and said, Mr. Montelius what in the world are you about; I told him I was going to take my seat in the house, he replied you will make it ten times worse than it was before, that I should consider it; I told him it might go in God's name, that I would take my own way and have a clear conscience. The speaker then called the house to order; Mr. Butler made a speech before he was sworn in, and we were all sworn in; the last night I attended the Cunningham house a proposition was made by Stevens and some Philadelphia member, to take the house away, either to Erie, Carlisle or Philadelphia for protection, the motion was not taken; I did not attend any of their meetings after that, for I thought it was going too far to have two governments in Pennsylvania; after this I received a number of letters from my constituents in Union county abusing me, sometimes six or eight in a day, threatening to tar and feather me, that I was elected by the party and should stick to it right or wrong, they threatened to burn my house down, some of the letters were not signed, one of the letters was written and signed by Peter Richter, another was signed by two or three, I suppose it was written by Gen. Frick and mailed at Milton; a few of my constituents came to Harrisburg, but did not come to see me; I made the substance of my speech, but it was a little altered; I did not say as in that speech that the Governor had said that if any would give way they should be damned; but that he said before he would give way he would see them damned; I gave my speech for publication to Mr. Richer or Frank; I had not my seat in the Hopkins house when I went to see Governor Porter at Buchler's; I told Carpenter and Hill of Westmoreland that I had never seen the governor and wished to see him; I was not requested to go and see him; they took me and told me he was the governor elect; we shook hands, sit down and talked a little; he asked me in what town I lived, and how long I had lived there; also asked me what I followed; I went to see the governor but once; the governor stated that he had a son sick; the governor never promised me an office, nor did I ask him for one; I told him I was in trouble and that I could not stand it long in that way; I told him my conscience tells me that we did not act in the proper manner that we should have done; he replied that conscience commonly was the best guide; I told him I could not stand this long the way it was, that it must go one way or the other; I told him that in all my life I had never been in such trouble before; there was no promise about a judgeship to my knowledge 'by the governor, or any intimation of my obtain-



ing a judgeship by any other person; I told some person that I was troubled about my son; they told me that he should be satisfied; he held a clerkship and foreman under the supervisor, Mr. Gutelies; I wrote to my son that I would get signers for him for a clerkship in the Surveyor General's office; I made enquire of Mr. Sallada, who who was appointed; he replied there were about forty applicants; that I should go to Mr. Klingensmith; before I went into the house I never attended any Hopkins meeting; Mr. Hegins give me a proposition, a paper similar to the one which I wanted, which I showed to some of the Cunningham house, and they objected to it; I cant recollect who I showed it to; our district is Mifflin, Juniata and Union; my colleagues are Messrs. Funk and Ramsey; I was elected on the anti-masonic ticket last fall. Witness further adds that it was further understood that measures would be taken to contest the governor's election.

JOHN MONTELIUS.

Sworn and subscribed May 14, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

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Copy of letter from Thaddeus Stevens to John Montelius, taken from the original as produced by witness upon examination:

HARRISBURG, October 29, 1838.

DEAR SIR.—I am much gratified at your election; I hope you will be here the Friday before the meeting that we may *all* act together. We shall have a turbulent time at the opening of the House, but we must be determined not to give an inch. Please come then and let us consult with old friends.

Yours,

THADDEUS STEVENS.

JOHN MONTELIUS, Esq.

On motion of Mr. Roberts,

Committee adjourned to meet to-morrow at 4 P. M.

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WEDNESDAY, May 15th, 1839.

Pursuant to adjournment committee met.

Present: Snowden, Roberts, Zeilen, Cunningham and Flenniken.

There being no witnesses in attendance, committee

Adjourned to meet to-morrow at 4 o'clock, P. M.

Subpœna issued to Francis R. Shunk, Esq.

Returnable on the 16th inst.



THURSDAY, May 16th, 1839.

Pursuant to adjournment committee met.

Present : Snowden, Roberts, Cunningham, Flenniken and Zeilen.

There being no witnesses in attendance,

On motion of Mr. Zeilen,

Committee adjourned to meet to-morrow at 3 o'clock.

FRIDAY, May 17th, 1839.

Committee met pursuant to adjournment.

Present : Snowden, Flenniken, Roberts and Zeilin.

FRANCIS R. SHUNK, Esq. sworn.

Question by Mr. Snowden, chairman :—I wish you to state all you know in relation to the organization of the House of Representatives on the 4th of December last, and all the facts in connexion therewith.

Answer : On the 14th of December, 1838, I submitted under oath, to a committee of the Senate, a statement of facts in relation to the organization of the House of Representatives, which is here submitted, containing a true and full account of that transaction, so far as it came under my observation, and having been made so soon after the events transpired, is, of course, more perfect and in detail than any statement my recollection now would enable me to make.

#### HALL OF THE HOUSE OF REPRESENTATIVES.

Tuesday, December 4, 1838, the day appointed by the constitution for the meeting of the General Assembly, the members met in pursuance of previous notice at eleven o'clock, A. M.

The uniform practice for twenty years or longer, in the organization of the House of Representatives, has been—for one of the members to rise at the hour agreed upon, and state—"This being the day for the meeting of the General Assembly," &c., and then to move that the returns of the election of members be read ; which motion is put by the Clerk, as well as all other motions until the Speaker is elected, and being determined in the affirmative, the clerk proceeds and reads the returns. After the returns are all read, the clerk announces the fact, and asks the members present to answer as their names are called, for the purpose of ascertaining whether there is a quorum present. After he has called all the names of the members returned, he states the number present. Whereupon, a motion is made by one of the members, that the members present proceed to the choice of a speaker, which being put by the clerk and determined

in the affirmative, he inquires whether the clerks shall officiate as tellers, which is always assented to. He proceeds to call the names; and the vote being taken, if there is a choice made, he pronounces that the member having the majority of votes is duly elected speaker of the house of representatives. If there is no choice, a second vote is taken in the same way, and so on until a choice is made.

In conformity with this practice, a motion was made by Mr. Hill, of Westmorland, that the returns of the late election for representatives be read by the Clerk, which was unanimously agreed to.

The secretary of the commonwealth being introduced, presented a sealed package, accompanied with a letter of which the following is a copy.

*To the members elect of the House of Representatives.*

GENTLEMEN—Herewith are transmitted for your use, and in accordance with the acts of assembly on the subject, the official returns of the election of members of the house of representatives of this commonwealth, held on the second Tuesday in October, 1838.

I am, gentlemen,

With great respect,

Your obedient servant,

THO. H. BURROWES,

*Secretary of the Commonwealth.*

*Harrisburg, Dec. 4, 1839.*

I then, in the presence of the members, opened the packet. After the return from the city of Philadelphia had been read, Mr. Pray of the county of Philadelphia, asked the clerk to state how many judges the paper received from the secretary of the commonwealth, purporting to be a return of the election of members of the county of Philadelphia, was signed, and how many election districts were included in it. To which I answered, having the paper before me, that it was signed by six judges, and contained the votes for members of assembly in seven districts. Mr. Pray then presented a certified copy of the return of the election of representatives in the said county.

Here a short debate occurred which was commenced by Mr. T. S. Smith, of the city of Philadelphia, who stated in substance that the only evidence of the right of members to their seats, which could be received in the organization of the house, was that contained in the returns received from the secretary of the Commonwealth. That he regarded the paper presented by Mr. Pray to be, in that stage of the proceedings, a mere nullity; and he hoped, if a question should arise, that those who thought with him—that no return could be regarded if it did not come from the secretary of the commonwealth, would not vote upon it.

Mr. M'Elwee in reply, contended that the secretary of the commonwealth, being in possession of the return of which Mr. Pray presented a copy, had no right to withhold it from the representatives of the people, or to judge of its legality.



Mr. Hopkins expressed the hope that both returns would be read. And the question being put by me, *Shall they be read?* was answered in the affirmative by the members present. Whereupon, the return by Mr. Pray was read as follows :

## JUDGES.

We, the subscribers, judges of a general election held at the several election districts in the county of Philadelphia, except the incorporated district of the Northern Liberties, (which return was rejected) on Tuesday, the ninth day of October, in the year of our Lord one thousand eight hundred and thirty-eight, for representatives of the county of Philadelphia, in the house of representatives of the general assembly of the commonwealth of Pennsylvania, do certify, that the following persons had the number of votes affixed to their respective names, to wit :

Charles Pray, seven thousand eight hundred and seventy votes,	7870
John W. Ryan, seven thousand eight hundred and seventeen votes,	7817
Miles N. Carpenter, seven thousand eight hundred and sixty-nine votes,	7869
Thomas H. Brittain, seven thousand eight hundred and ninety-nine votes,	7899
Abraham Helffenstein, seven thousand eight hundred and thirty-seven votes	7837
John W. Nesbit, seven thousand eight hundred and eighteen votes,	7818
Thomas J. Heston, seven thousand eight hundred and nineteen votes,	7819
Benjamin Crispin, seven thousand nine hundred and twenty-two votes.	7922

And we do further certify, that the said Charles Pray, John W. Ryan, Miles N. Carpenter, Thomas H. Brittain, Abraham Helffenstein, John W. Nesbit, Thomas J. Heston and Benjamin Crispin had the highest number of votes polled for Representatives as aforesaid, and we hereby declare them to have been elected members of the House of Representatives of the commonwealth of Pennsylvania.

In testimony whereof, we, the said judges, have hereunto set our hands and seals, the day and first above written.

George W. Smick, [L. S.]

Jesse Weiss, [L. S.]

Michael Pray, [L. S.]

Justice Cox, [L. S.]

And'w. Hager, [L. S.]

J. H. Fletcraft [L. S.]

L. Crousillat, [L. S.]

Benj. Sage, [L. S.]

Charles Vansant, [L. S.]

Peter Binder, [L. S.]

This return was certified under the hand and seal of the prothonotary of the court of Common Pleas of Philadelphia county.

The paper purporting to be a return from the same county, received with the other returns from the Secretary of the Commonwealth, was then read as follows, viz :



We, the return judges of the several wards, townships, and districts of the county of Philadelphia, do certify that at an election held on the second Tuesday in October, A. D. 1838, the following named persons appear to have the number of votes set opposite to their names for members of Assembly, in the districts of Spring Garden, the incorporated district of Northern Liberties, Blockley, Moyamensing, Bristol, Germantown and Oxford, viz :

Michael Day, six thousand three hundred and forty-six,	6,346
Adam Woelper, six thousand four hundred and twenty-six,	6,426
William F. Hughes, six thousand four hundred and thirty-two,	6,432
William Loyd, six thousand three hundred and fifty-five	6,355
William J. Crans, six thousand four hundred and forty-two,	6,442
Samuel F. Reed, six thousand four hundred and fifty-five,	6,455
Benjamin R. Mears, six thousand three hundred and forty-six,	6,346
Jesse F. Smith, six thousand three hundred and seventy-two,	6,372
Charles Pray, four thousand nine hundred and twelve,	4,912
John W. Ryan, four thousand seven hundred and fifty-seven,	4,757
Miles N. Carpenter, four thousand eight hundred and fourteen,	4,814
Thomas H. Brittain, four thousand eight hundred and forty-nine,	4,849
Abraham Helffenstein, four thousand seven hundred and seven-	
ty-one,	4,771
John W. Nesbitt, four thousand seven hundred and seventy,	4,770
Thomas J. Heston, four thousand seven hundred and seventy-	
nine,	4,779
Benjamin Crispin, four thousand eight hundred and forty-nine,	4,849
H. Corbitt, one,	1

Witness our hands and seals at the State House, in the city of Philadelphia, this twelfth day of October, A. D. 1838.

W. G. CONROW,	[L. S.]
BELA BADGER,	[L. S.]
JOSEPH SHERMER,	[L. S.]
CHARLES W. SMITH,	[L. S.]
WILLIAM WISTER,	[L. S.]
WM. OVERINGTON,	[L. S.]

I then proceeded with the reading of the remaining returns; three of which, to wit, those of Messrs. Stevens and Kettlewell, from the county of Adams; of Messrs. Cunningham and Morrison, from the county of Huntingdon, and of Mr. Snowden, from the county of Venango, were copies of the original returns in their offices certified by the Prothonotaries, and all the others were original returns.

After all the returns had been read, Mr. Stevens rose and stated in substance, that he was about to make a motion, which he expected would be acted upon by those only who believed that the proper mode of organizing the House, was that pointed out by the gentleman from Philadelphia, (Mr. Smith.) That he would say a few words in explanation of the course intended to be pursued by himself and those who acted with him. Their opinion was, that the members present must take the evidence obtained from the Secretary's office, as the only evi-

dence of the election of members from the county of Philadelphia, in the first instance, and if there were other members claiming seats, no decision could then be made in relation to this matter; that there was a legal and constitutional mode of settling the question. He added, that he proposed, before setting down, to move "that we proceed to the organization of the House by the election of a Speaker," and said he expected that when tellers were appointed for that purpose, they would call only the names of those members which had been returned by the Secretary of the Commonwealth. When this was done, those gentlemen, if there were any, who did not think these returns were the proper returns, might decline voting. If, in consequence of this, it should happen that two Speakers were elected, he trusted that courtesy would find room for both gentlemen on the platform. He then moved to proceed to the election of Speaker, and that Messrs. Watts and Zeilin be appointed tellers, and without sitting down, put the question himself, "*Are you agreed to the motion?*" There was a response of ayes and noes, but not, as it seems to me a general voting. Mr. Stevens, still keeping the floor, declared the motion to have carried, and urged Mr. Watts and Mr. Zeilin to go up and proceed with the election at once. Before Mr. Stevens took his seat, Mr. Hopkins rose, all the members being present, and moved that Charles Pray, Abraham Helffenstein, Thomas H. Brittain, John W. Ryan, Benjamin Crispin, Miles N. Carpenter, John W. Nesbitt, and Thomas J. Heston, are duly returned as members of the House of Representatives, from the county Philadelphia, and are entitled to their seats. I stated the motion, and on the question, "will the members present agree to the motion?" it was determined in the affirmative, without a dissenting voice. I then called over the names of all the members returned, fifty-six only answered, although the other forty-four were present. A motion was then made that the members present proceed to the choice of a speaker, which was agreed to, and ordered that the Clerks officiate as tellers. After the votes had been taken, it appeared that William Hopkins had received for Speaker, 55 votes, and Thomas B. McElwee had received one vote. Whereupon, I announced that William Hopkins was duly elected Speaker of the House of Representatives, of Pennsylvania. Mr. Hopkins took the Chair, to whom the requisite oaths were administered by Mr. Smith, of Franklin, in conformity to the act of 19th March, 1804. Mr. Hopkins then administered the usual qualifications to the fifty-five members who had answered to their names, in conformity to the 8th article of the constitution of this commonwealth, all of whom subscribed the same in the test book, provided and heretofore used for that purpose, according to the provisions of the third section of the act of Congress, approved 1st June, 1789. During these proceedings, the tellers whom Mr. Stevens had declared appointed, were calling over a list of members, and this, with the answers of the gentlemen, as their names were called, and the subsequent proceedings under the motion of Mr. Stevens, disturbed, in some degree, the regular proceedings I have detailed. Having been occupied in the discharge



of my duties, connected with the organization of the House, it is impossible for me to state, with minuteness, the proceedings which took place in pursuance of the motion of Mr. Stevens.

On Wednesday, the 5th of December, instant, I was elected Clerk of the House of Representatives, by the house then in session, Mr. Hopkins in the Chair; the Speaker and fifty-five members being present and voting; since which time I have been in possession of all the books, documents and archives which are legally in the custody of the clerk of the house. The speaker's chair has, during the same period, been filled by Mr. Hopkins only, and the hall appropriated by law, to the use of the House of Representatives has been occupied exclusively by the house over which he presides, and its officers duly elected, according to the 16th section of the first article of the constitution of this commonwealth. From the period of the election of Mr. Speaker Hopkins up to the present time, the proceedings of the house appear upon the journal of its daily sessions, a quorum for the transaction of business having been present from day to day.

FRANCIS R. SHUNK.

Sworn and subscribed, May 17th, 1839, before me,

JAMES R. SNOWDEN, Chairman,

Witness discharged.

On motion of Mr. Flenniken,

It was moved and seconded that when this committee adjourns it adjourns to meet to-morrow at half-past 2 o'clock, P. M.

Agreed to.

Committee then adjourned to meet at the above time.

SATURDAY, May 18th, 1839.

Committee met pursuant to adjournment,

And for want of a quorum, adjourned until Monday, May 20, at three o'clock, P. M.

Subpoena issued to Jacob Welker,

Returnable the 20th inst.

MONDAY, May 20th, 1839.

Committee met pursuant to adjournment.

Present Messrs. Snowden, Zeilen and Flenniken.



JACOB WELKER, sworn,

I reside in Millersburg, Dauphin county, at the head of the Wiconisco feeder, and am acquainted with all the contractors above Halifax and some below Halifax, who told me that they intended coming to Harrisburg on the 4th of December, and that they were determined to have the Philadelphia county whig members take their seats come what might; that they had Stevens on their side, and matters could be so arranged that there would be no difficulty about them obtaining their seats, this they told me frequently before the meeting of the legislature, they also told me that Governor Porter would not be sworn in, and that Governor Ritner would be continued three years longer; I was in Harrisburg on the 4th of December and saw these men in the streets, had a conversation with them, and they repeated what they said before; I was in the House of Representatives the same day, saw these men there, I at first saw a few of them, looked around and saw more standing near where Mr. Stevens sat, there was more than fifty of them; I was afraid Mr. Hegins, of Northumberland, would be hurt, pointed out these men to him, and told him to be on his guard, that these were the stoutest men in our section of the country, and that they were from Halifax, I think some of them had arms; these are the strongest bullying men in our county; among those who told me they intended to come here on the 4th of December were the two McCoys, one of them James, the two O'Neill's, the three Martins and a large man who knocked the window in at Halifax on the day of election; the O'Neills were contractors; James McCoy and some of the Martin's used this language, two of the Martin's were here at the organization of the House, also Mr. John P. Leebrick, another contractor; I am engaged in driving stage between this and Millersburg; am a contractor on that route; on the 4th of December I employed a man to drive the stage for me during this time; I run the stage daily; my object was to make money; I have frequent conversations with my passengers; I do not recollect whether I had a conversation with men on the subject of the organization of the House or not; I pointed out to Mr. Hegins John P. Rutherford, John P. Leebrick and others; I saw Mr. Stevens conversing with these men, but did not hear what he said to them; after I spoke to Mr. Hegins I went to the other side of the house, I saw no arms with these men, or clubs; the only reason I supposed these men were armed was because they told me they were coming down to put the eight whig members from Philadelphia in their seats, and that Governor Porter should not be sworn in; I had no conversation with either Mr. Hegins or any other person with regard to the testimony I should give before this committee.

JACOB WELKER.

Sworn and subscribed, May 20th, A. D. 1839, before me

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Zeilen,

Committee adjourned to meet on Wednesday at 3 o'clock, p. m.

WEDNESDAY, May 22, 1839, 3 o'clock, P. M.

Committee met pursuant to adjournment.

Present, Messrs. Snowden, Roberts, Zeilen, Cunningham, and Flenniken.

There being no witnesses in attendance,

On motion of Mr. Flenniken,

Committee adjourned to meet to-morrow at 3 o'clock, P. M.

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GENERAL ADAM DILLER, Sworn,

I was in Philadelphia eight or ten days before the meeting of the legislature; I saw a number of the leading politicians belonging to the Ritner or anti-masonic party there; Thaddeus Stevens of Adams county, Mr. S. S. Wharton, of Huntingdon county, and a great many others, names not recollected. In conversation with Mr. Wharton, of Huntingdon county, held at Mrs. Yohe's, at the North American hotel; he said the Ritner party would have a majority in joint ballot of both houses of the legislature, that those eight whig candidates or members from the county of Philadelphia would be the sitting members, and that their party would have the board of canal commissioners; I told him I thought not. We had a conversation about the United States Senator; he said they would elect him. I think we both agreed that there would be trouble at Harrisburg at the meeting of the legislature. In consequence of an alarming report caused by newspaper publications, one of them over the name of Thomas H. Burrowes, stating that their party should treat the late election as if they had not been defeated, and another editorial article in the Harrisburg Chronicle, a Ritner paper, telling the people to repair to Harrisburg or calling upon the friends of Ritner to repair to Harrisburg upon the day of the meeting of the Legislature, to put those eight members from the county of Philadelphia in their seats if they were refused, peaceably if they could, if not forcibly, if necessary, or words to that effect. This embraced the conversation I had at Philadelphia. I frequently heard some whigs and anti-masons at Lancaster say they would elect their canal commissioners and United States Senator; among others I was told this by the Deputy Attorney General of Lancaster county, William F. Boone, Esq. In consequence of these alarming publications and declarations, there was a great deal of feeling among the people; I heard a number of both parties say they would repair to Harrisburg several days before the meeting of the legislature. I heard a good deal of anxious conversation when I arrived here as to what would be done on the 4th of December. It was said that the friends of the Ritner members of the legislature had meetings frequently, that their object was to organize the House by placing the eight federal members from the county of Philadel-



phia in their seats, as the sitting members, and that on the meeting of the 4th of December their would be a large number of contractors and hands of the canal here, on the evening before the meeting of the legislature; a number of men were pointed out to me, Capt. Jno. P. Rutherford as one, and other contractors with a number of ruff looking men about them. There was also a number of our partizans came in that evening, and for fear of confusion the next day at the House, at my instance a meeting of our friends was called at Mrs. Buehler's large room; at that meeting I stated to them that when they repaired to the House to-morrow, that as the House would no doubt be very much crowded, difficulties were anticipated, and that it was reported that many men of both parties had weapons, (though I did not see them) if they were I hoped they would not go to the House with them, that in such a crowd as that unpleasant things might occur that would afterwards be regretted; that they should go to the House, show their faces and stand firm, until they or I should be called upon either by the speaker, clerk or sergeant-at-arms to preserve order. At an early hour the House was crowded by people of both parties; those Ritner contractors were principally in the west end of the hall of the House of Representatives. It appeared to me that at the head of these men were Capt. Rutherford and James Caldwell, and a number of men who it was said were their friends.

I was standing in the lobby of the house, and spoke to the people behind me in the gallery, to keep quiet, I think there was more confusion among the members, than there was in the gallery. This was in consequence of two speakers being proposed, and two setts calling names of members at the same time, and two speakers nominally elected. There appeared to be a shock among the people in the gallery at the time, this was in consequence of the indignant feelings of the people, at the proposition of Mr. Stevens, to elect two speakers. I do not remember of having head any one of the people in the gallery or lobbies, voting for speaker, or taking part with any of the proceedings in the hall. After this had occurred, the Cunningham house adjourned first, until 2 o'clock the next day, and left the Hopkins house in possession of the hall, who continued in session some time, when they adjourned; towards evening I went into the senate; the senate chamber was very much crowded; It was difficult to get in at all—I saw that Charles Brown, of Philadelphia county, and Gen. Rogers, of Bucks county, made frequent attempts to speak, when Mr. Penrose, who was in the chair, knocked with his mallet at every attempt to speak, and said they were out of order; at last several in the gallery called out hear him, hear him, meaning Gen. Rogers, who was speaking upon the subject of the Philadelphia county members taking their seats—at length Gen. Rogers was suffered to speak—after he was done, several of them said hear Mr. Brown. A motion was then made that Mr. Brown be permitted to speak—Mr. Brown was heard, and then spoke. I had turned my back towards the speaker for a short time, and when I turned round, Mr. Penrose was out of the chair, and Gen Rogers was in the chair. Some persons men-



tioned to me, who it was I cant recollect, that Penrose, Burrowes, Stevens and Fenn, had left the senate chamber, through the back window. I do not remember of seeing Burrowes, Fenn or Stevens in the senate that day; I was surprised, and asked why they had left through the window, this inquiry was made, because I wondered why they had left it in that way. The senate then adjourned, and the senators were walking about the chamber; the people were quiet in the galleries; John J. M'Cahen said, that the senate had now adjourned, that he thought the people had now a right to make speeches. I said, I thought the people had better adjourn out side of the senate; M'Cahen spoke very little, when I made a motion to adjourn out side of the senate, the people immediately went out; I mentioned to a number of my friends that we would have a meeting of the people at the court house, upon the subject of the great disturbance; when I had them out of the senate, I stated, that there would be a meeting of the people that evening at the court house, at 8 o'clock, and they immediately dispersed; the bell rang at the appointed time, a large number assembled; I staid back until the meeting was organized; when I came in, the meeting was organized, and Gen. Thomas C. Miller, now senator from Adams, was in the chair. Mr. Penniman and Col. John J. M'Cahen were making speeches, which I thought were rather inflammatory, and I took the liberty of stopping them, stating, that this was a dangerous crisis, and that prudence and conciliation would have to be our guide. After several addresses had been made to the meeting, I made a short statement to the meeting, and proposed that a committee of safety and general superintendence be appointed, to consist of fifteen persons, which was unanimously carried, after this, some person made a motion, that as many more should be added as the committee might think proper, after which the meeting adjourned. The proceedings were afterwards published; I was chairman of that committee. The object of that committee was, for the people to have a head, to give and receive correct information to the people of Pennsylvania, to preserve the peace and protect the laws and institutions of the country, as none of the parties conceded to the different legislatures as they were organized, being fearful, that were so many people assembled without a head, that things might occur, which would be afterwards regretted. The whole object of the committee of safety was, to conciliate and prevent violence.

We appointed strong committees of men who were not members of our committee and scattered them through the town, for the purpose of preserving peace and order. There was a great many reports in circulation, one of them was that the opposition would probably set fire to the Secretary's office and put the blame upon us; therefore, we appointed these sub-committees to prevent any violence or disturbance. They were particularly instructed to keep down any thing like violent talk or violent transactions should any occur.

MAY 23, 1839,

Committee met.

Present, Messrs. Snowden, Roberts, Zeilin, and Flenniken.

Examination of Gen. Diller continued.

On the morning of the 5th of December last, the people were assembling at the arsenal; I enquired of them what for; they told me that the Ritner men had put men in the arsenal with muskets in their hands. I saw these men in the arsenal at the windows; I went to the legislative hall, after I arrived there several of the members told me that I had better go to the arsenal; I think Mr. Hopkins was one of them; that as there was so many people assembling at the arsenal, something unpleasant might occur and we should prevent it; I took Capt. John C. M'Allister with me and we went over; I heard a good deal of indignation expressed at the circumstance of these men being in the arsenal with arms; Dr. E. W. Veazey, late clerk in Secretary Burrowes' office, came to me; we conversed about this matter and said something must be done; he proposed to select fifty men of their partizans, and I should do the same of our partizans; the crowd was still getting greater; I agreed to the proposition, selected my men and marched them away from the arsenal; I was anxious to get the whole crowd away, fearing that where there so many warm partizans together, unpleasant things might occur; Dr. Veazey returned to me, and said he could not obtain fifty of their men to turn out; I told him to take a less number, and I think we agreed to take seven men on each side; Our object in raising these men was for the purpose of organizing them to get those men out of the arsenal, as some of them expressed a fear to come out; I told them there was no necessity to be in fear, that their presence in the arsenal caused a great excitement among the people outside. About this time the committee of safety were to meet; it was about eleven o'clock A. M.; I went to the room where the committee met; Mr. George Ford of Lancaster, and Joseph Henderson came in and said they represented the Ritner party; I think Mr. Henderson was an officer of the late administration; the committee agreed with these two men to appoint a committee to get those men safely out of the arsenal; I appointed a sub-committee for that purpose they went off and succeeded in getting those men out of the arsenal; the committee reported that there were twenty seven men came out of the arsenal, and that they left the arms in the arsenal; the men who came out of the arsenal went down to Gleim's Hotel, the antimasonic house; a great portion of the people assembled around Mr. Gleim's house in that part of the street: Mr. Coryell of Bucks, Mr. Kidder of Luzerne, and myself went down, spoke to the crowd and told them that as many did not know what they had assembled for, that the arsenal was now evacuated, and that the men who were in the arsenal had left it; that we hoped they would retire peaceably to their quarters and suffer no rioting if they could avoid it; that they might stay in Harrisburg, and the people quietly dispersed; there was no



violence at Gleim's. In the evening several men came to me and told me the Governor had issued a proclamation to the militia of the commonwealth.

The next morning governor Ritner's proclamation in handbill form was brought into the committee room, by some person name not recollected; very soon after we heard that the governor had issued a requisition to major general Patterson, of the first division Pennsylvania militia, for the troops under his command; we had heard of their coming before they arrived; the troops from this division came here on Sabbath, I saw them; I understood Mr. Hall of Philadelphia, and Mr. Grimshaw of Harrisburg, were disputing about politics at the arsenal; during all the time I was here, before the 4th and after the 5th of December, I saw nothing of any disturbance, riot, infuriated or lawless mob; there were a number of persons who offered their services, after the committee of safety had sent their first statement or address out to the people; when these services were offered, the subject of issuing orders for troops in the adjoining counties to come here was discussed in the committee; they decided, as a committee, they would not issue orders for persons to come here, but that as individuals they might address their respective friends upon the subject, and lay the facts before them; I, as an individual, not as chairman of the committee, wrote to Capt. John Thompson of York county, that the volunteers were marching to Harrisburg, and as he had previously offered his services, that he had better come with his company and quarter them on the opposite side of the river; according to promise, I wrote to Gen. Foulk of Carlisle, who had gone home, that the volunteers under Gen. Patterson, from Philadelphia, were marching into Harrisburg, and I think I told him to be the best judge whether to bring his volunteers here or not; I think I wrote to Major Hambright of Lancaster, and told him that he had no doubt seen the other troops pass, and if he thought proper to come on, his men could no doubt be quartered; we had offers from ten or fifteen different parts of the state from the people, offering their services, which offers I think were afterwards published; we had also an offer of three thousand minute men from Berks county; these offers came through the proceedings of meetings published in the newspapers by the people; there was a company came from Cumberland county, by whose order I know not; Captain Thompson told me he offered himself and company to the governor to preserve peace and quiet in Harrisburg.

Question by Mr. Zeilin—Did you not make application to the governor for the appointment of canal commissioner?

Answer. I received no appointment from governor Porter, made no application myself; I was recommended to the governor for canal commissioner, but withdrew the application long before the appointments were made.

Question by Mr. Zeilin—Are you not or did not your friends make application to the governor for the appointment of adjutant general?



Answer. There is at present a recommendation for me before the governor for the appointment of adjutant general.

In answer to interrogatories put by Mr. Zeilin, witness says :

Hon. John Fox, of Bucks county, was admitted an honorary member of the committee of safety, and was there but once, towards its close; a number of those names attached to the addresses of the committee of safety, were not members of that committee and did not belong to it.

There was no new constitution proposed in the committee of safety.

ADAM DILLER.

Sworn and subscribed, May 23, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Flenniken,

Committee adjourned to meet on Saturday, May 25, 1839, at 3 P. M.

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SATURDAY, May 25, 1839.

Committee met pursuant to adjournment.

Present : Snowden, Roberts and Flenniken.

There being no witnesses in attendance,

On motion of Mr. Flenniken,

Committee adjourned to meet on Monday, May 27th, 1839, at 3 o'clock P. M.

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MONDAY, May 27, 1839, 3 o'clock P. M.

Committee met pursuant to adjournment.

Present : Snowden, Roberts, Flenniken and Cunningham.

There being no witnesses in attendance,

On motion of Mr. Cunningham,

Committee adjourned to meet to-morrow, at 8 o'clock A. M.

TUESDAY May 28th, 1839. }  
8 o'clock, A. M. }

Committee met pursuant to adjournment.

Present : Cunningham, Roberts and Flenniken.

On motion of Mr. Cunningham,

Committee adjourned to meet at half past 2 o'clock, P. M.

### SAME DAY.

2½ o'clock, P. M.

Pursuant to adjournment committee met..

Present : Snowden, Cunningham and Roberts.

Sergeant-at-arms reports as being in attendance, Jacob F. Hæckley, Peter Albright, Bela Badger, John C. Garrish, William Lott, John Conrad and Rudolph R. Harley.

JACOB F. HÆCKLEY, called and sworn.

I reside in the 4th ward, Northern Liberties, in the county of Philadelphia; was not a return judge at the last election—was for some years previous. I was merely in the house showing the return clerk how to make out the returns. In the 7th ward, Northern Liberties, one of the clerks told me that they had lost the assessors and inspectors tally list. I told him that it was a matter of no consequence, that one was sufficient. I then assorted and he made up one of the lists, and requested him to direct them to the Prothonotary as required by the act of Assembly, which was done. The return clerk, Mr. Trotter, requested me to come and show him how to make out the returns; I directed him the manner of making up the returns. I went in the House in the morning previous to the opening of the election; my business there was to show the return clerk how to prepare the oaths and papers. The practice in the Northern Liberties was to let the inspectors choose their own clerks. There are seven wards in the Northern Liberties; in five wards we had the whig inspectors, in the other two wards there were four democratic inspectors; all the judges were whigs. At the time I directed them to make up the returns and send them to the Prothonotary, I heard no objection made; I received no compensation for my services. One of the clerks applied to me for the result of the election; I told him I did not know the result of the votes as polled; there was anxiety to know the result of the polls, enquiries were made, but they were not informed of the state of the polls while I was there. I remained there about an hour or

two during the day; Mr. Bela Badger was the return judge of that district; a person came to me and asked for the returns, I told him I had them not, and referred him to Bela Badger. He came back to me and said Mr. Badger had sent him to me for them; I told him Mr. Badger was the return judge, that I had them not. I am a whig in politics, and a justice of the peace. I have no knowledge of any frauds being committed by either of the parties in the Northern Liberties.

JACOB F. HÖECKLEY.

Sworn and subscribed, May 25th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Roberts,

Committee adjourned to meet at the call of the chairman.

THURSDAY, May 30, 1839, 3 o'clock, P. M.

Committee met pursuant to the call of the chairman.

Present, Snowden, Flenniken, Roberts, Zeilin and Cunningham.

PETER ALBRIGHT, sworn.

I was elected inspector of the 1st ward Northern Liberties in 1837 at the October election, and acted as such at the October election in 1838. The election was conducted fairly with the exception of the 7th ward, there was cheating there, I saw it and stopped it, knowing the old game; I saw Mr. John Painter, the assessor of the ward, place his finger on his nose and point down to a person, the old plan of giving dead votes when I belonged to the democratic party; I touched Mr. John C. Gerrish on the arm and told him to stop this, that was not the man he represented himself to be. Jacob R. Kline, one of the clerks of the election, jumps up and said, g——d d——m you, go to your own ward, and said I had no business there; I told him I had when cheating was going on; he was about saying something, when the real person came up to vote and John Painter passed his man off the steps that he had there for the purpose of voting; after that I observed that the voting was not quite so brisk among them as it was before, that there was a kind of a check upon those outside, this was all the cheating I saw or know of in the Northern Liberties. The morning after the election, the tally list of the 7th ward Northern Liberties was said to be lost; there was something said about it to Mr. Hoeckley, who replied that as they had a copy of it, it was of no importance; just before this last paper was complained of, I saw Mr. Jacob R. Kline put a paper in his pocket, about th



appearance of the tally paper, it was folded four double, but whether it was the tally paper which was lost or not I do not know; I know nothing further about the loss of the paper; I have a clear and distinct recollection of Joseph W. Blight, I have not spoken to him since 1835, had a quarrel with him at that time, he was for Muhlenberg and I was for Wolf, he is a man I would not be seen speaking to, he wont pay his debts, gets his goods on credit and takes the benefit, I do not consider him a fit associate, he was discharged as an insolvent, which the records will show, I never gave him an account of the whig majority of the 1st ward Northern Liberties of the election of 1838, I left the democratic party in 1835, I never had any such conversation with him on the subject, I do not consider him a fit man to be trusted for any thing, let alone tell a secret to him, a week or ten days before the election; I heard from several sources that threats had been made, and at last came across the man himself, Mr. Richard L. Loyd a custom house officer, he addressed me and said that the democratic party intended erecting a Lynch poll in front of the Franklin or Constitutional house, both taverns, and the first judge, inspector, clerk or officer engaged in the election, that was seen cheating, would be taken out without regard to law, on the spot, tarred and feathered, rope put round his neck and hung up, this was no jest, there did not appear to be much jesting those times; I asked him what he meant by it, whether he intended to frighten any person by it; he said go on you will see; I told him I intended pursuing a straight course and believed every gentleman in the house would do the same. I was in at Amos Holahan's tavern late in the afternoon in the latter end of September or the beginning of October, I was asked by John Lewis if I wanted to make a couple of thousand dollars, I do not recollect the reply I made, however, we walked up Chesnut street to Gibbs' oyster cellar, I then asked him in what way this money was to be made, he said will you go to see Charles J. Ingersoll, I told him I would sooner have my right hand cut off than have any association with C. J. Ingersoll, he then asked me if I would go in for the election of Mr. Ingersoll, I told him no, I had pledged myself for Mr. Naylor, and could not do it.

After some conversation between us, the matter ended. I never had any conversation with Joseph W. Blight on the subject of elections; never told him that I had caused to be polled 124 votes to make 18 of a majority, nor any other person—I know a man by the name of Rowney; I do not recollect of such a man voting in the first ward Northern Liberties, on the day of election; his first name I do not know; his father resides in Second street, but I do not know where this man resides. I reside in Callowhill street, 1st ward Northern Liberties; I have been judge of the election, "as constable since 1830;" I was at the house on the day of the election until evening; there were in the neighborhood of 700 votes given in the 1st ward Northern Liberties, was rising of 600 votes given in the election of 1837. The votes are given in through the window and afterwards put in the bollet boxes. I have frequently seen Mr. Charles Naylor before the

election, had determined to support him before the election, received no pay for supporting that ticket. I did not say that I would not state all the facts I knew, before the committee; I had no conversation with any person as to what I should testify to, before this committee. I told immediately after the election the result of the poll in the 1st ward and one or two of the other wards, to a number of persons. I do not know what the result of the 7th ward was; I did know, but do not now know the exact vote of the 1st ward; but gave them the average majority of the whig ticket, but never told persons different as to the result; I came to Harrisburg in the latter end of the week of the election; Mr. Galloway came with me; I had some private business with the Governor; it was not in relation to the election nor connected with politics; it was my own private business; as to what was the nature of that business, I decline answering the question. I again say distinctly that my business with the Governor was not of a political character, or connected with the Government. I had a conversation with the Governor; he asked me if I had any additional information except what the newspapers contained; I told him there was none; this was before the meeting of the return judges. I was in Harrisburg on Friday, and went home on Saturday; I came here and thought I could see Thaddeus Stevens, and learn from him how matters and things were going on; I asked Mr. Stevens for information from the different counties; I told him I thought the thing was up—that the Governor was defeated. He said he thought so too—that some counties had given larger majorities the other way, than what he calculated upon. When I was here I knew nothing of the difficulties at Philadelphia; when I was going down I met Mr. Cake, of Philadelphia, at Parkesburg. I went out. Mr. Galloway was there; he told me that Mr. Ingersoll was elected. I replied it was all a mistake, it could not be; he said that some of the return papers in the Northern Liberties were lost. I told him that made no difference, that one paper was sufficient. This was the first information I had of the difficulty with the return judges.

Question by Mr. Snowden, Chairman—Did you tell Lewis Shinnick or any person else that you had moved a number of persons or caused them to be located in the first ward, Northern Liberties, for the purpose of voting at the last election?

Answer. I never said so to any person. I made a bet of a hat after the election, none before it, nor none that I was interested in; I expected no money or valuable thing by the result of the election in either way. John Lewis is an active politician, is considered one of the leaders, is a man who spends his time and money for the success of the other ticket. I have seen Mr. Ingersoll and Mr. Lewis walk arm-in-arm. I am a democrat, and voted the democratic whig ticket headed by governor Ritner; scratched one or two of those on the ticket. There was no one present when Mr. Lewis and I had the conversation above referred to. I suppose he was in earnest—he wanted me to go to Mr. Ingersoll's office several times; I would not do it. When I was in the democratic county delegation Mr. Ingersoll



wanted me to go for his nomination; I would not do it. I resigned my office as justice of the peace either in the middle or latter end of September, for the purpose of acting as an officer of the election. I am at present constable and visiter to the poor of the districts of the Northern Liberties, elected by the guardians of the city, including Kensington, Northern Liberties, Spring Garden and Southwark, at a salary of \$500 00 per annum. I saw Mr. Burrowes in Harrisburg; met him and Mr. Stevens in the street; spoke to Mr. Stevens. Mr. Burrowes did not ask me about the election in the county of Philadelphia. I saw the registry made out; I do not know that any tax receipts were manufactured at the last election. There was blanks filled up for naturalization by the clerk, I assisted to fill some of them up; these were papers made out for persons who wished to be naturalized; I know of no seal being attached to naturalization papers without the order of the court. I do not know that Mr. Ingersoll went to the commissioner's office for a list of the names of those assessed who had not paid taxes. I think that Mr. Thomas M. Rush came in the county commissioner's office while I was there, and made application for the names of those persons in the list; not certain, my recollection is not distinct on this subject. Thomas M. Rush belongs to what is called the democratic party.

PETER ALLBRIGHT.

Sworn and subscribed May 30th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

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JOHN C. GERRISH, affirmed:

I was affirmed a judge of the election of the 7th ward, Northern Liberties; on the morning after the election, I heard something said about a lost paper; Jacob F. Hoeckley, standing near the table; asked one of the clerks if there was a duplicate; he said there was; he said it did not make any difference about it if there was a duplicate; the clerks made out the vote; I then requested the inspectors to examine the return lists and if correct to sign them; they did so and the papers were properly put in the different boxes; the boxes were sealed up and the inspectors took possession of them; I took no tally list, window paper, or any paper belonging to this ward; I did not take any paper and place it under my coat or under my arm; I had no coat on at that time; I was not charged by Jacob R. Kline with taking it, nor charged personally by any person that morning; I do not recollect of saying that the lost paper was in one of the boxes—at the time Mr. Hoeckley said that one paper was sufficient there was nothing further said about it; one of the boxes was broken open and search made for the paper and afterwards sealed up; I heard nothing more said about it until Friday when it was reported that one of

H.



the tally papers was lost; the boxes were given to the inspectors who took charge of them; Jacob R. Kline and Mr. Seiner were the clerks; no person charged me personally with taking the paper; several persons came to me and said they heard I had destroyed the tally lists; the tally lists agreed with the number of votes given; the votes were all regularly given; Jacob R. Kline who officiated as clerk was a candidate and elected inspector for the election in 1839; I do not know what became of the tally paper, whether it was found or not; I did not take it or destroy it; nor see no person take it or destroy it.

JOHN C. GERRISH.

Affirmed and subscribed, May 3d, 1839, before me,

JAMES R. SNOWDEN, Chairman,

Witness discharged.

WILLIAM L. LOTT, called and sworn.

I was assessor of the 6th ward, Northern Liberties. I commenced making the registry of that ward in July last, and finished it in September. I did not register any names except those I found in the ward, or those who came to my house; there was no slip or paper given me containing names which were registered to my knowledge. The book in which I registered the names was always in my possession from the time I received it, from the 5th of July to 5th September, until I gave it to the sheriff. There was men came there requesting me to put their names down; there was no names put down by any person but myself. I received no names from Benjamin E. Carpenter, or any other person to add to this list. I might have been told of names that I could not find. I met Benjamin E. Carpenter and Thomas Weaver, who enquired whether names of persons were down in the registry book; it is customary for persons to make this inquiry. Sometimes the men themselves and others would come to me and enquire if their names were down, these men had their names on paper, and requested me to see whether such names were down or not—I know of no names on that list that were put there improperly.

WILLIAM L. LOTT.

Sworn and subscribed, May 30th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman,

Witness discharged.

**PHILIP BANKS, sworn.**

I was sent to East Moyamensing by the sheriff, on the morning of the election, nothing of the kind was done in Moyamensing as a man voting a part of a ticket, and that I put a ticket in the Assembly box. I saw nothing of the circumstances as sworn by Mr. George M. Whartnaby; the facts testified too by Mr. George M. Whartnaby are unqualifiably not true. I was deputy sheriff and was sent there by Mr. John L. Woolf, who was the head Deputy the year before, and was sent to other districts at other times. I never said, as testified by George M. Whartnaby, that I will show them how to fix these fellows; the sheriff had appointed men there. I handed them the deputations; there were between about forty or fifty; the arrangements had been made with them by the sheriff, they were to preserve the peace and order. I superintended elections before the last elections, but never had deputations before, nor any men under me at elections. These men I considered more especially under my control, there was nothing about them by which I could distinguish them.

**PHILIP BANKS**

Sworn and subscribed, May 30th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Zeilin,

Committee adjourned to meet at 8 o'clock to-morrow morning.

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FRIDAY MORNING, May 31, 1839. }  
8 o'clock, A. M. }

Committee met pursuant to adjournment.

Present—Cunningham and Zeilin.

There being no quorum, committee adjourned, on motion of Mr. Zeilin, until half past 2 P. M.

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SAME DAY,

2½ o'clock, P. M.

Pursuant to adjournment committee met.

Present—Snowden, Cunningham, Zeilin, Flenniken and Roberts.

Sergeant-at-arms reports that Daniel Leisenring is in attendance as witness.



JOHN BAIRD, sworn.

I reside in Kensington; have resided in that district 19 or 20 years; voted at the commissioners hall, Kensington, the 2d ward, at the last election; I never voted in either of the wards of the Northern Liberties, at the last election, or at any other time; I never attempted to vote in the Northern Liberties; no person ever cautioned me not to vote in the N. L. There are two persons of my name residing in the Northern Liberties, but none, that I now of, in Kensington. I am acquainted in Kensington; there might be a man of my name in Kensington, but none that I know of. I was at the Northern Liberties on the day of election; went in company with Mr. John Beatty; passed the commissioners hall merely; might have stopped on the pavement a short time: Mr. Beatty resided in Kensington. I voted in Kensington after dinner; while near the commissioners hall I had no tickets; do not electioneer; I voted the whig ticket; I do not know Joseph W. Blight.

JOHN BAIRD.

Sworn and subscribed, May 31st. 1839, before me,

J. R. SNOWDEN, Chairman, &c.

Witness discharged.

JOHN CONRAD called and sworn:

I am Mayor of the Northern Liberties; sometime previous to the election there was a great deal of alarm and excitement in the district, with regard to violence at the election. I was spoken to by a number of citizens to adopt means to prevent any disturbance, this request was made by respectable citizens of both parties; from these requests and apprehensions of my own, I engaged about one hundred men as a police to preserve order; I am empowered by the commissioners of the district so to do; I had blank warrants printed for them, and on the evening before the election and morning of the election I swore them in, and appointed officers over them. Previous to this I had badges printed for them, on those badges was printed the words "The laws," "Northern Liberties Police." On the morning of the election I placed the police in a tavern, near the commissioners hall, before the people came to the polls they occupied one floor of the house entirely and were not permitted to leave that floor with their badges on, and not more than five at once without their badges, unless permitted by the officers or by my orders, none of these men were seen on the ground during the day, nor do I believe the public knew that there was a police; dinner and supper was furnished them in their rooms. The officers having charge of them were ordered not to leave them out, unless the constables and watchmen were not sufficient to keep order; the watchmen were in a room near the commissioner's hall. In the evening, previous to the election, I issued a proclamation which



was put up at all the corners of the Northern Liberties the same evening. [Here a copy of the proclamation was read.]

I took no part in the election on that day, nor did I let my political feelings interfere with any of these arrangements. I applied to Mr. Charles Thompson for quarters for these men; I don't think I offered him \$100 to let these men in his house, we had very little conversation; I never told Charles Thompson that it would be as much as a \$100 to him if he would let those men in his house. I procured these men in consequence of rumors in the district, and inflammatory speeches which I heard made by Charles J. Ingersoll and Charles Brown, and others, and the echo of sentiments which were made by persons who I feared did not understand them; I heard John Apple, a constable, and I think Richard L. Loyd, a custom house officer say that if the judges or officers of the election would cheat, or if they caught them cheating, they would pull or help to pull them from their seats; I think it was Mr. Loyd said so, but do not think Mr. Apple would do any such thing, he was at the polls, and was a very efficient officer in keeping and preserving order. I will further say that I heard a number of others say so, but do not recollect their names. The police received for their services \$1 25 per day, which was paid for by the commissioners of the district; I think I paid \$50 for the rent of the room, and other expenses, I think, amounted to \$50 more; my recollection is not distinct what I paid for the room, it was not less than \$40, nor more than \$60; I think I paid him \$85 for room and all other expenses. I have been Mayor of the Northern Liberties about three years, never employed extra police before at elections, but at the special election of Mr. Charles J. Ingersoll and Mr. Charles Naylor, in 1837, about forty in number. On the night of the election there was a number of young men volunteered their services principally from the city, acquaintances of my sons, who were apprehensive of a disturbance at the Northern Liberties; I was principally at my office on the day of election. The police were provided with light maces, seven or eight inches long to be used as weapons by the police.

JOHN CONRAD.

Sworn and subscribed, May 31st, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

On motion of Mr. Zeilin,

Committee adjourned to meet on Saturday, June 1st, 1839, at 2 o'clock, P. M.

SATURDAY, June 1, 1839. }  
2 o'clock P. M. }

Committee met pursuant to adjournment. Present, Snowden, Zeilen, Roberts and Flenniken.

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ALEXANDER M'CALMONT, sworn.

I know a man by the name of Peter Albright from Philadelphia, he and I roomed together at Mrs. Buehlers, in No. 14. On Monday night last, when I came to my room, he was in bed—the next morning we had a conversation in the room; Peter Albright said, I am from Philadelphia, they have subpoenaed me here before the committee, to investigate the election in Philadelphia—I was an inspector of the election. “I said is the investigation not over yet,” he replied no, they will not make much by bringing me here—I know what they want to find out, but I’ll be damned if I will tell them. I can tell them how the election was conducted, and I can tell them about Charley Ingersolls rascality, but they want to find out how the votes were obtained, and whether I brought men into the wards to board, paid their taxes and boarding, and then took in their votes; he said, they may find that out the best way they can. I told him that strange things were done in Philadelphia, at elections, and that I never could understand how these alleged frauds were practised. He said he knew how these things were done, at the time Gen. Ash ran against John G. Watmough for Congress, he said, that they had went and examined the tax lists, went and got the names in every ward, of such persons as were dead, or those absent, paid taxes for them, boarded fifty men, and paid their boarding in different wards, and out of those fifty men, they had made something like fifteen hundred votes for Gen. Ash, and beat Jno. G. Watmough; that he belonged to the democratic party at that time, but now he was with the other party; about a few minutes after the conversation, above referred to, occurred, I went to the bar keeper, asked the name of the person who roomed with me, and took a memorandum of it on paper; the conversation, above referred to, with Albright, took about as long a time as conversation above referred would take. Immediately after the conversation took place, I went from No. 14 to the bar, made the enquiry and took a memorandum of the conversation. I reside in Franklin, Venango county, Pa., I am a democrat, voted for Simon Snyder, and belonged to the democratic party. In answer to a question of the chairman, Mr. Snowden, witness states that he is the President Judge of the 18th judicial district of Pennsylvania.”

I have no further acquaintance with Peter Albright, but that he lodged with me in the same room in No. 14, at Mrs. Buehler’s, in Harrisburg, for a few days.

A. McCALMONT.

Sworn and subscribed, June 1st, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.



RUDOLPH K. HARLEY, affirmed.

I was elected inspector of the 7th ward, Northern Liberties, in 1837, to serve at the election of 1838. I served in that capacity at the constable election in the spring of 1838, and at the correction of the registry I sat as inspector; we were very much dissatisfied with the law, but had to abide it; I did not act as inspector on the 2d Tuesday of October last, in consequence of ill health: I was not particularly solicited to decline serving as inspector. In June last I moved out of the ward to Kensington; some persons were dissatisfied, and said I had no right to sit as inspector because I moved out of the ward; I thought I had if my health would permit. Thomas Halloway called upon me, and said he was afraid that I would not be able to stand it; I wished to attend for the purpose of earning a few dollars; not having earned any thing for so long, in consequence of my ill health. He then said if you think you can stand it, I will go in your place and give you \$10 if you let me go in your place; I agreed to take the \$10 if he would attend to it himself; I knew he was a responsible man, as much so as any man in the county of Philadelphia, and if he would attend to it, I would take the \$10, and sign over to him; he gave me a check for \$10, and I resigned in his favor; Mr. Halloway did not act as inspector; when I applied to him, to know why he did not serve as inspector, he said that Mr. Jeffries had been appointed, and acted as inspector, who I consider as honest a man as can be found in the county of Philadelphia, I knew him and Mr. Halloway for twenty years, there can be nothing said against either of them; I think I got as much as I could have made if I had served myself. A number of the federalists made much noise about my signing off, some said I received \$300; some said \$200 for declining; and some said that I was too dumb. Peter Albright's character is not good; his reputation and standing in the district of the Northern Liberties was not good; he and I belonged to the democratic party together for years; I did my share; he used to come and make proposals to do so and so at our public meetings, we would not agree to it, and had nothing to do with him. I know Peter Albright twelve or fourteen years. I know John Painter, have known him for a number of years; he resides in 7th ward, Northern Liberties; his character is good; I heard the testimony of Peter Albright before this committee; heard him say that he saw Mr. John Painter put his finger to his nose, bring a man up who was not entitled to vote, the manner of giving dead votes, playing the old game, &c. From my knowledge of the character of Mr. John Painter, I do not believe that he did any such thing, or that any thing of the kind occurred, I was not at the election of the Northern Liberties on the day of election; I voted in Kensington, when Mr. Halloway and others came to me, they said that some persons were dissatisfied about me acting as inspector, and said they



feared that my serving would vitiate the election. I know Mr. Peter Albright to be constable of the 1st ward, Northern Liberties for nine or ten years.

R. K. HARLEY.

Affirmed and subscribed, June 1st, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Zeilin,

Committee adjourned, to meet on Monday, June 3d, at half past 2 o'clock, P. M.

MONDAY, June 3d, 1839. }  
2½ o'clock, P. M. }

Committee met pursuant to adjournment.

Present—Snowden, Zeilin, Cunningham and Roberts.

On motion of Mr. Zeilin,

Committee adjourned, to meet to-morrow at half past 2 o'clock, P. M.

TUESDAY, June 4th, 1839. }  
Half past 2 o'clock, P. M. }

Committee met pursuant to adjournment.

Present : Snowden, Zeilin and Fleniken.

Sergeant-at-arms reports that the following witnesses are in attendance :

James Caldwell, Joseph Little, George Lowry, Jacob S. Beck, Abraham Myers, Daniel Clark and Henry Simons.

JOSEPH LITTLE called and sworn.

I reside in 5th ward, Northern Liberties ; I saw Mr. Charles J. Ingersoll on the morning of the election in the entry of the commissioners hall, with the inspector of the 7th ward, in close conversation with him ; this was previous to the opening of the polls. On the morning after the election I went into the commissioners' hall of the 7th ward and wished to obtain the result of that ward for Congress ; when I came in the papers were all lying open on the table,

and afterwards I think jumped up together by Jacob R. Kline. I do not know whether Mr. Jacob R. Kline was clerk or inspector; Mr. John C. Gerrish was judge of the election; at the time I saw Mr. Ingersoll in the entry there was two or three other persons there beside the inspector; I did not hear what he said to the inspector. The hall is a public avenue, persons going in there must pass that way to get in. I am a police officer appointed by the commissioners of the district; I did not ask any person in the room for the returns of the 7th ward; I voted in the 5th ward, Northern Liberties, and voted the whig ticket headed by Joseph Ritner and Charles Naylor. I knew nothing of the sheriff's arrangement or employment of men by the Mayor, John Conrad; I do not know whether the judges had finished making up the returns or not at the time I saw these papers lying on the table.

JOSEPH LITTLE.

Sworn and subscribed June 14th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Flenniken,

That when this committee adjourns it adjourns to meet this evening at half past 7 o'clock,

Which being agreed to, the

Committee adjourned.

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TUESDAY MORNING, June 4, 1839. }  
 7½ o'clock, P. M. }

Committee met pursuant to adjournment.

Present—Snowden, Zeilin, Cunningham and Flenniken.

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DANIEL CLARKE, affirmed.

I reside in the 6th ward, Northern Liberties, Messrs. Carpenter and Lott kept a register of the votes, outside of the window of the 6th ward, Northern Liberties; about 8 o'clock in the evening the voters commenced slackening off; there were slips of paper handed by a person on the outside, to persons also on the outside of the window; I saw one of these slips with Mr. Benjamin E. Carpenter and Mr. Wm. Lott. There were several lists; one of the lists that I saw was taken from the letter 'S S.' Soon after that a person came up to vote in the name of Smick, he was challenged, and I think, sent away from the window; whether it was the same Smick or another person I am

not certain; when he came back he deposited his vote at the window, I objected, his name was among the 'S S;' my colleague, Mr. Kewen, said he thought it was a good vote, after the men went out I followed him to satisfy myself whether it was not a good vote; a couple of the men came up to him and asked him how he made out, and took him by the arm, he said that he cheated the Whigs out of one vote; they said that we must now push them in. I went up to the window and said that it was an illegal vote that I heard the man confessing it. The vote was not put in, of this the officers satisfied me; the vote was examined, it was a Van Buren vote, and examined by Mr. Kewen. Soon afterwards I saw Mr. Kline pull Mr. Benjamin E. Carpenter by the pantaloons; I heard Mr. Carpenter say, he must quit that, at this a person stepped up, and I heard him say, we are watched too close; dont know that it was Mr. Carpenter, or who it was; this was on the day of the last general election Mr. Carpenter and Mr. Kline belong to the Van Buren party. At the time this occurred it was after night past 8 o'clock, Mr. Lott assessor of the ward was there, I asked him if the list was correct, he said it was; dont consider it wrong to have a list on the outside; I voted the whig ticket; dont take part in politics much; I stood at the window the whole day; there was a whig judge at the window in the inside; I dont know the person who voted; never saw him before nor since; he was a stranger to me; I do not know the names of the persons who were talking to him; I don't know whether they were whigs or Van Buren men. When I heard him make the expression that he had cheated the whigs out of a vote. I followed him through the crowd in his wake; these two men came and took him by the arm; I was at the window all day or the greater part of it; absent perhaps half an hour; I got \$5 00 for my services on that day. I was a sheriff's officer, deputed by the sheriff to preserve order; when the \$5 00 was offered to me, I at first refused it, but he said others had taken it; I was instructed to allow no cheating, no illegal voting or fraud by either party, and see that there was no violence committed. Neither of us electioneered any ticket that day. Mr. Holloway was one of the principal officers; I attended no meeting of the whigs previous to the election. They had scandalised me in the papers, published a libel against me. I did not intend going to the election on that day, but for the purpose of voting, but they persuaded me to act as a sheriffs deputy. It is usual for persons on the evening of the election to go for persons to come and vote, who they know have not voted; I have done this myself. In the first place, Smick gave in his name as Michael; I told him he had voted; then he changed his name and gave it as George or John. I dont know whether he was a Van Buren man or not, I only knew by his ticket. I attended several whig meetings until perhaps a week before the election.

DANIEL CLARKE.

Affirmed and subscribed, June 4th, 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.



DANIEL M. LEISENRING, sworn :

I know Isaac Abraham, Jr. ; I know Mr. Bela Badger ; Mr. Badger never sent me after Mr. Isaac Abrahams—Abrahams and I were coming down fourth street, Abrahams asked me if I knew Mr. Bela Badger, I told him I did ; he said he would like to see him. We went on to Chestnut street and there we saw Badger ; when we got to Mr. Hollahan's, near 6th street, Mr. Badger was going into the whig head quarters—Mr. Kahoo kept it at that time—when we came in the tavern Mr. Badger went up stairs, Abrahams and I followed him up stairs ; I introduced Abrahams to Mr. Badger, walked to the back part of the room ; I left them there, and I went down stairs. When Abrahams came down, he told me that he was to get \$50 ; a few days afterwards I was with Abrahams, again he told me that Mr. Badger had gave him 5 \$10 notes on the bank of Penn Township, that was the only time I ever saw Mr. Badger and Abrahams together, afterwards Mr. Badger told me that he had given Mr. Abrahams \$50 ; I don't know what he got this money for.

Mr. Harley was inspector of the 7th ward, Northern Liberties ; I was clerk for him at the correcting of the registry list, previous to to the last general election ; Mr. Harley was an old man—legs swelled ; and the other inspector, Mr. Jacob Painter, did not want him to go in the house. Mr. George Thomas, Daniel Jeffries, Thomas Halloway and myself, met together at Mr. Harley's on Sunday, and wanted him to resign as inspector. He said he would not do it, that there was good eating and drinking in the house, besides what he would make for his services. On another occasion Mr. Painter and myself were at Mr. Harley's, and wanted him to resign ; Mr. Painter said if Harley would not resign he would, and if he would give him ink and paper he would resign if Mr. Harley would not. Mr. Harley said he would get him the paper, and after he agreed to get the paper Painter would not do it. Mr. Harley said if any respectable man would come and take it he would resign ; Mr. Harley resigned in Mr. Halloway's favor. I knew that Mr. Harley lived out of the district ; at that time he resided in Kensington. I live in the 7th ward Northern Liberties, and have been clerk of the election for several years ; I voted early in the morning, went away, stayed all day, and returned in the evening ; I was not a deputy of the sheriff ; I was here before the organization of the House of Representatives, came here on Saturday or Sunday. I know Mr. Stevens, saw him, and merely spoke to him. I don't know whether I ever told any person that I received money to electioneer for Mr. Charles Naylor.

DANIEL M. LEISENRING.

Sworn and subscribed, June 4th, A. D. 1837, before me,

JAMES R. SNOWEN, Chairman

On motion of Mr. Flenniken,

Committee adjourned to meet to-morrow at half past 2 o'clock.  
P. M.

WEDNESDAY, June 5th, 1839. }  
 2½ o'clock, P. M. }

Committee met pursuant to adjournment.

Present: Flenniken and Zeilin.

There being no quorum present,

On motion of Mr. Zeilin,

Committee adjourned to meet to-morrow morning at 8 o'clock.

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THURSDAY, June 6th, 1839. }  
 8 o'clock, A. M. }

Committee met pursuant to adjournment.

Present: Snowden, Zeilin, Roberts, Cunningham and Flenniken

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ABRAHAM MYERS, affirmed.

In the morning of the election I saw Mr. William L. Lott and Benjamin E. Carpenter, each had a copy of the register, when men came up to vote they marked every man's name as he voted. About 5 o'clock in the afternoon, Peter Kline, Jr. asked Mr. Lott if Thomas Brown had voted; Mr. Lott said he would see; he opened his book and told him he had not voted, so he started off after Mr. Brown; something like ten minutes after that I saw Mr. Kline in company with a young man coming through the crowd towards the window, he went to the window and offered his vote, his name was given in Thomas Jones; the judges told him there was no such name on the register, and he turned back and stepped from the platform. Mr. Kline told him he did not give the right name; I stepped up to listen, I found out he was to have given the name of Thomas Brown, he thought it was Thomas Jones. In the evening I saw Mr. Lott, Carpenter and Kline examining the register and taking a copy of the names from their list; this was taken away by Mr. Kline; some few moments afterwards, Mr. Kline brought a man which he had tried to hold up, he was so much intoxicated, and brought him to the window, he gave the name of George Shields—this Mr. Shields I knew; this man was not Mr. Shields. I asked him where he lived, he would not say any thing about it, and Abel M. James, one of the inspectors, asked him if he did not live in 5th street above Brown, he hesitated awhile and said "yes he did." I knew there was no such person living. I asked him who brought him there to vote; he studied sometime and said he had come of his own accord. In the meantime Mr. Kline hid himself behind some other men, the man went away; after he was gone I told Mr. Lott they ought not to do such things; Mr. Lott said I ought not to be so particular, for all parties cheated at elec-



tions, this was in the 6th ward Northern Liberties. Mr. Kline said to Lott, we have beaten them by a tremendous majority, and we can do it if we go to work as we have done to day. I was at the election house as the deputy of Mr. Watmough the sheriff; I do not know the man who wanted to vote, his vote was not received. I can't state that his name is not Shields, but I can state that he does not live in that ward. I assessed the ward at my own pleasure, my object was to assess the ward to ascertain the votes in the ward; I did this by my own directions; Jacob Sheppard was with me; the ticket was an Ingersoll ticket; this is not the same man Clark speaks of, I voted all my life time what is now called the whig ticket, I supported that ticket actively last fall; I was at this ward all day, and there were other persons in the same capacity. This ward has for the last three years given a democratic majority, the majority this last fall was about the same as the year previous; there was a whig judge in that ward name of Jacob Sheppard—same man that assisted as assessor. The number of persons on the register agreed with what I made it, except two or three, I made it something rising 800 on my list, we discovered between six and ten aliens on this list, those men did not vote; I don't know of any illegal votes put in at that ward on that day.

ABRAHAM MYERS.

Sworn and subscribed, June 6th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Zeilin,

*Resolved*, That when this committee adjourns it adjourns to meet at half past 2 o'clock, P. M.

Agreed to.

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SAME DAY,

June 6th, 1839. }  
2½ o'clock, P. M. }

Committee met pursuant to adjournment.

Present—Snowden, Flenniken, Cunningham.

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JACOB S. BECK, affirmed.

I reside in 3d ward, Northern Liberties; I acted as clerk of the inspectors at the last general election; during the day, at two different times, I went out of the house, found Mr. Ingersoll in company with Mr. Daniel Jeffries, who was one of the inspectors of the 7th ward, at the back part of the house in close conversation; I went out past midnight, between 12 and 4 o'clock; I found Mr. Ingersoll in the back entry with Mr. Jeffries. In the morning after we had



done counting off, I went over the neighborhood of the 7th ward, was standing there, and heard Mr. Jeffries; he was in a great flurry about something, and said, "where is that damned paper;" the boxes to the best of my recollection, were sealed up; I saw Mr. Jeffries take his knife, cut open the tape and open the box, he took out the papers, and exclaimed, "ah here it is, it is all right." I did not know at that time, what paper it was; it was the first information I had of a paper being lost; my attention was then drawn to another part of the table; I noticed that Mr. Gerrish, one of the judges, was not at the table, but in the same room, there was no one present at the time, at the table but the Inspectors and clerks; I told it immediately to the judges, that Mr. Jeffries had opened one of the boxes; the judges were all whigs; there was nothing done or said about it at the time. When we left the house to go and deposit the boxes; we went across the way to Mr. Edward D. Corfield's office, directly opposite the hall; there was some difficulty there about the room; Mr. Corfield said, we will go to my house; when we came out in the street, Mr. Thomas Weaver was there, who said "you damned fools, why dont you take them round to Esq. Shaw's. Part of the boxes were then taken to Esq. Shaw's, who lives in Green street, above 3d, and part of them to Mr. Corfield's house, Shaw's is not the nearest justice; two justices nearer than Esq. Shaw's; Corfield is not the nearest justice; Mr. Corfield, is what I call a democratic whig, Mr. Shaw is what they call a loco foco. I heard Mr. Ingersoll in his speech argue the law in which he contended that if the people merely suspected an officer of cheating, or caught him cheating, they would have a right to inflict summary punishment upon them on the spot. All the officers of the 3d ward, N. L., were whigs at the last election; on the day of election I was armed with a loaded mace; all the officers of this ward were armed, some with pistols, and others with maces, to the best of my knowledge, an occurrence which I never saw before, this was in consequence of speeches made by Mr. Ingersoll. I heard some democrats say to me that the whigs intended to cheat at the last election; applications were made to me frequently during the day, to ascertain the number of votes polled. There was no application made to me to ascertain the actual result; there was no person permitted to come in the house but the sheriff. The mayor of the Northern Liberties was in previous to the opening of the polls, to swear the officers. I saw Mr. Bela Badger sworn in by mayor Conrad; did not see him subscribe his oath to any paper. I do not know that any of the officers signed the papers at the time; I did not hear the conversation held by Mr. Charles J. Ingersoll and Mr. Daniel Jeffries; the entry where I first saw them is a public thoroughfare; the second time I saw them, some person was standing with them. Mr. C. J. Ingersoll does not reside in either of the wards of the Northern Liberties, but resides in the 3d district of which the Northern Liberties is a part.

JACOB S. BECK.

Sworn and subscribed, June 4th, A. D. 1839, before me.

Witness discharged.

J. R. SNOWDEN, Chairman.

GEORGE LOWRY, affirmed.

I reside in the 3d ward, Northern Liberties ; I was in the house as door-keeper of the commissioners' hall in the Northern Liberties, I stood by the door at the entry of the hall to let those in or out who had a right to come in or out ; about the opening of the polls I seen one of the inspectors of the 6th ward, Abel James come by the seventh ward window and told one of the judges that Mr. Charles J. Ingersoll was there and wanted to see him; James together with Mr. Jeffries and Mr. Painter, inspectors of the 7th ward, Northern Liberties, went out into the entry, and when they went out I stood at the door, and I saw them go together to the end of the entry at the stair-way in close conversation, I opened the door once or twice, looked out and they were in earnest conversation ; about the time they were sealing up the boxes, the papers had all been thrown out, Painter and Jeffries were sealing up the boxes—they were tied up with tape; while Painter was in the act of sealing the boxes, a person, and I think it was Mr. Jeffries, said that they could not find one of the tally lists. One of the officers was there and was about tying up the papers to go to the Prothonotary's office ; they opened a bundle of papers and were looking for the papers ; some one said that perhaps they had put two in the box instead of one that Mr. Painter was sealing ; he pulled off the tape of the box and looking at Painter said there was no more here than there ought to be. As he said this some one of the officers said, "here it is, it is all right," and he finished sealing up the boxes. Mr. John Gerrish, judge of the 7th ward, was present at the time. I can't tell the names of any of the persons who went in the room but the mayor of the Northern Liberties ; I did not see the sheriff there during the day ; I was ordered to let none in but those who had a right to come in. I called Mr. Badger several times during the day to ask him to let those in who wished to see him or any of the judges ; I was not armed. The other officers were armed—I saw a pistol or two in the hands of the other officers ; saw them put them in their pockets. I am a whig ; the officers of that district are all whigs.

GEORGE LOWRY.

Affirmed and subscribed, June 6th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

HENRY SIMONS, affirmed.

On the morning of the election, previous to the opening of the polls, I saw Mr. Ingersoll in the entry that leads from the hall to the back part of it, in conversation I think with Mr. Daniel Jeffries; dont know whether Mr. Painter was there or not. I heard some fuss made about a paper which they said was lost. I heard one of the



officers say "here it is, it is all right." I think it was Mr. Jeffries said so; I do not know but think it was the Tally paper. There was a good deal of dispute about the votes of the 7th ward; at one time the judges were called together to decide upon a disputed vote, before they came together to decide, Mr. Jeffries said "he would be damned if he would not take it; take the responsibility upon himself, and threw it in the box; I saw him throw it in. Mr. Jeffries was an inspector of the 7th ward, N. L.; I was a judge of the 3d ward; at the time Mr. Jeffries said this, some of the judges were there. It was alledged that the name was not there on the list; I do not know whether his name was on the list or not. I did not look on the registry list to see whether his name was down or not; I dont know what ticket he voted; I dont know all the votes in my ward. Persons might vote in the names of others, without the judges or inspectors knowing it. I supported the whig ticket at the last election. At the time Mr. Jeffries made use of the language above referred to, he said he would take the vote independent of the registry. I was armed at the last election, and went armed. It was a common report, that the democrats said they would carry the election at all hazards; I heard more than a hundred say so; I heard Mr. Rhen say so; do not know where he lives, or what party he belongs to; I do not know his first name; I dont know the name of any person who said so. I heard some of my own party say that they would endeavor to carry the election by all fair and honorable means. I attended several whig meetings before the election; I think it is probable I was a member of some of the committees of vigilance.

HENRY SIMONS.

Affirmed and subscribed, June 6th, A. D. 1839, before me,

JAMES R. SNOWDEN, Secretary.

Witness discharged.

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JAMES CALDWELL, SWORN.

I was here at the organization of the House of Representatives on the 4th of December; I had no forces here under me on that day. I am a contractor, but not from Halifax. I was at a furnace that I was building previous to the organization of the legislature, in Mifflin county; my family then resided in Lancaster county, but were on a visit in the neighborhood of the furnace. I had business in Lancaster and also in Adams county, where I had work; I talked of going to Adams county, one of my brother-in-law, a loco foco, told me if I would come by way of Harrisburg he would come with me, we came down together. I had no preconcert with any person previous to the 4th of December, nor with any person on that day, nor with any person to come here. I had no person under my com-



mand in the House of Representatives on that day. I know John P. Rutherford, did not see him with any forces here, I know of no other James Caldwell a contractor in Pennsylvania. I had a contract on the Gettysburg rail-road; I had no contract on the Wisconsin canal. There was some contractors here from Gettysburg, but do not know of any hands being here. I was in the House of Representatives at the organization and was standing behind Mr. Stevens a part of the time; I know Mr. Stevens, I had no conversation with him before the organization of the House of Representatives, or after it. I boarded with him, had a conversation with him—I apprehended some difficulty about the organization of the House; I came here on Monday; I saw Mr. Martin and one of his brothers, also Mr. John P. Rutherford; I was one of the men in the Arsenal, was provided with a musket; I took care to put a bayonet on it; there was 27 men in the Arsenal with muskets—went in under the orders of the keeper of the Arsenal, Capt. John P. Rutherford had command of the men in the Arsenal; we were divided off into squads, and squared off so that every man would know his place; the muskets were not loaded, we had no powder or ball; Mr. J. F. Cotrell of Columbia was in also, he became a contractor in July last; Mr. James Martin and his brother, contractors on the Wisconsin Feeder, were in also. Mr. William Westhaven lives in York county, superintendent on the York and Wrightsville rail-road, was also there; Mr. Schreiner an engineer on the Gettysburg rail-road, was in; Mr. Guyer, and Mr. G. S. Parker, citizens of Harrisburg, were in; also Mr. Elliot, editor of the Pennsylvania Intelligencer, Mr. Updegrave, a young man was in; Mr. McCoy, said to be from Halifax, the man who was knocked down by the mob after leaving the Arsenal, was in also; these are all I can recollect of as being in the Arsenal that day. These persons volunteered and put their names down at Mr. Gleim's hotel, to protect the Arsenal; I heard a man say he wanted powder to blow the Arsenal up, from his voice I think it was Joseph Hall of Philadelphia, he called for powder and said he would blow it up and those inside with it; he then called for persons to assist him to tear it down, a person outside told him to take care that there was a cannon in the inside, and if the door was bursted open they would shoot it off; I went up stairs, looked out of the window, and saw Mr. Joseph Hall, who with Gen. Diller appeared to be very active as spokesmen of the mob; the keeper of the Arsenal became very much alarmed, raised the window and begged of the mob to desist, who were then about breaking open the door. A person outside said that ammunition had been taken in the Arsenal, and if they would not come out he would tear it down; the keeper assured him that there was no ammunition in the Arsenal.

I have only one brother in Pennsylvania, who was a contractor, he was not here on the 4th December.

JAMES CALDWELL.

Sworn and subscribed, June 6th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged,

On motion of Mr. Flenniken,

Committee adjourned to meet to-morrow at 2½, P. M.

FRIDAY June 7th, 1839, }  
2½ o'clock, P. M. }

Pursuant to adjournment committee met.

Present: Flenniken, Cunningham and Zeilin.

There being no witnesses in attendance,

On motion of Mr. Zeilin,

Committee adjourned until to-morrow at 3 o'clock, P. M.

SATURDAY, June 8th, 1839, }  
3 o'clock, P. M. }

Committee met pursuant to adjournment.

Present: Flenniken and Cunningham.

On motion,

Committee adjourned to meet on Monday at 2½ o'clock, P. M.

MONDAY, June 10th, 1839, }  
2½ o'clock, P. M. }

Pursuant to adjournment, committee met.

Present—Snowden, Roberts, Zeilin, Cunningham and Flenniken.

**WILLIAM F. COPLAN, sworn.**

I reside in the county of Fayette, and represent the counties of Fayette and Greene in the senate. I was in the senate chamber on Tuesday the 4th of December last, some time before the meeting of the senate, which, I think, was at 3 o'clock in the afternoon. The lobbies and galleries were crowded with spectators; Mr. Penrose, speaker of the late senate, took the speaker's chair, and directed the names of the members of the late senate to be called



over; Mr. Myers objected to his acting in that capacity, and proceeded to show that it was not in accordance with the usage of the senate; Mr. Penrose called him to order repeatedly, and after he had sat down, stated some reasons for pursuing the course he did, and concluded by informing the senate that he had issued writs of election to the sheriffs of the several counties, to hold elections to supply the vacancies occasioned by the resignation of David R. Porter, Cornelius Darragh, and by the death of Alexander M. Peltz. The secretary of the commonwealth, Mr. Burrowes, who, I believe, was present at the meeting of the senate, was announced, and presented to the senate what he called the official returns of the election, for members of the senate, held on the 2d Tuesday of October, 1838. The returns presented by the secretary, were then read, and a resolution was offered by Mr. Carpenter in the following language. "Resolved, that the secretary of the commonwealth be requested to furnish to the senate, forthwith, any and all returns and papers in his office, addressed to the senate of Pennsylvania," and on the motion made by Mr. Carpenter and seconded by Mr. Caldwell, to proceed to the second reading and consideration of the resolution, the yeas were nine, nays twelve; every democratic senator whose name was called, voting in the affirmative, and every whig senator, except Mr. Fullerton, voting in the negative. The names of no senators, however, were called or allowed to vote, except those who had been members of the late senate. Either at this stage of the proceedings or immediately before the presentation of the resolution by Mr. Carpenter, Mr. Brown, a senator elect from the county of Philadelphia, who had been elected, by a majority, as has since been declared by a committee of the senate, of six hundred and seventy-six votes, rose and offered to present to the senate the return of the election for senators in the county of Philadelphia, bringing a return filed in the Prothonotary's office, signed by a majority of the return judges of the district, and authenticated by the certificate of the prothonotary; he accompanied it with some remarks. The speaker refused to receive the return offered by Mr. Brown, or to entertain any proposition or hear any explanations from him. Gen Rogers then offered the same papers as evidence of the election of Messrs. Brown and Stevenson, but Mr. Penrose declared it out of order, and that it could not be received or read to the senate. Gen. Rogers attempted to address the senate, but was repeatedly called to order and was not permitted to proceed. A motion was then made by Mr. Pearson and Mr. Barclay, in the following language; "That neither of the senators returned as elected from the 8th district composed of the counties of Perry, Mifflin, Juniata, Union and Huntingdon, be permitted to take their seats, until after the senators from the other districts are qualified." The motion was sustained by 13 yeas and 8 nays, all the whigs voting in the affirmative, and all the democrats in the negative, and the voting being confined as in the former case, to the senators present, who were members of the last senate. Mr. Penrose retired from the chair, and the senate proceeded to elect a speaker;



my name and those of the other new senators being called and we allowed to vote, excepting only the claimants from the 8th district, and Messrs. Hanna and Waggoner voting as the senators elect from Philadelphia county. Mr. Pearson was elected speaker and again took the chair. A motion was then made by Gen. Rogers and Mr. Myers. "to postpone qualifying the senators from the second district, comprised of the county of Philadelphia, until after the usual oaths and affirmations, are administered to the senators returned from the several other districts of the commonwealth." This motion was negatived by a vote of 9 yeas to 12 nays; the democratic senators all voting in favor of it, and the whig senators against it, with the exception of Mr. Fullerton, and the vote being confined again to the senators of the late session. I protested against the injustice and inconsistency of permitting me, my seat being undisputed, to vote on one question and afterwards refuse me a vote on another question; but the speaker repeatedly called me to order, and remarked that I had no right to speak at that time. The senators were then sworn and some preliminary business transacted. A committee from the house of representatives was announced, and informed the senate that the house was duly organized and ready to proceed to business. Mr. Spackman and some one else was announced as a committee purporting to come from the house of representatives, was also announced, and gave the same information. The speaker announced them both, as I understood, as committees from the house of representatives. Mr. Fraley of the city, about this time, was then on the floor and had partly read a resolution, which I supposed to contemplate a recognition on the part of the "Cunningham house." He withdrew it before the reading was finished, and on motion of Mr. Ewing and some other senators, Mr. Brown was permitted to address the senate. While he was speaking, Mr. Pearson called Mr. Rogers to the chair and left the senate chamber. After Mr. Brown concluded the senate adjourned. Col. M'Cahen then made some remarks to the people; Mr. Brown, and I think, Gen. Rogers also made some other remarks. The audience in the galleries and lobbies, had observed perfect order, decorum and silence, until after the speaker had refused to hear Mr. Brown, or to receive from either him or Gen. Rogers the evidence of the election of the senator from Philadelphia county. Even then and for a considerable time afterwards, they only called hear, hear, and such like expressions of approbation and disapprobation. It was not until Hanna and Wagner had been sworn as the senators from Philadelphia county, upon the evidence of a minority return, and until senators about whose election there was neither doubt nor dispute, had been refused votes upon an important question, after they had been recognized as senators and allowed to vote on another question, that the people became much excited and noisy. They frequently called out "Brown, Brown," "hear him, hear him;" "turn out Hanna and Wagner;" "give Brown and Stevenson their seats;" &c. I was about in different quarters of the senate chamber and among the people during the eve-

ning, and heard no threats of personal violence to any men or set of men—I heard no cries of “knife the speaker” &c., as has been represented, and I do not believe that the speaker or any other person was in any danger personally, and I was very much surprised to hear that he and others had left the senate chamber under any such apprehensions. After the remarks of Col. McCahen and one or two others, the people retired from the capitol without injury or violence, so far as I ever heard, to any one.

WILLIAM F. COPLAN.

Sworn and subscribed, June 10, 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

On motion of Mr. Fienniken, it was

*Resolved*, That the circular of Thomas H. Burrowes, as chairman of the state central committee, issued after the October election, be attached to the proceedings of this committee.

*From the Harrisburg Chronicle.*

## TO THE FRIENDS OF JOSEPH RITNER.

### FELLOW CITIZENS :

The general election has resulted in a manner contrary to all our reasonable calculations and just expectations, the opponent of our candidate for the office of Governor appears to have been elected by at least 5,000 of a majority. This is an event, to which, if it had been fairly produced, we as good citizens would quietly if not cheerfully submit. But there is such a strong probability of malpractice and fraud in the whole transaction that it is our duty peacefully to resist it and fully to expose it.

The election has been characterized by features altogether unparalleled in the history of our state politics. A few of those of a more general nature may be here instanced.

When the returns from all the counties shall be received, it will probably be found that the whole vote given for Joseph Ritner on the 9th inst. is greater than that which he received in 1835, by a number at least equal to the natural, regular and legal increase of votes in the whole state in three years. It will also be found that his friends in nearly every county polled fully as many votes, as they before the election, expected to do, upon the strength of which expectation a reasonable estimate gave him a majority of 10,000 votes. The grave questions then arises, whence came the majorities returned for his opponent? and *how can he be defeated* who has so well sustained himself with the people, and so largely increased his vote?

It will be discovered that in the districts in which the friends of Joseph Ritner had the control of the elections, a moderate increase of votes for him, arising from sufficient and well known causes, took place; while in the same districts his opponents had fair play, and



polled their full number of legal votes. On the other hand it is known to all, that in the districts in which the inspectors and judges were the friends of Mr. Porter, not only were the friends of Joseph Ritner in many cases wholly excluded from voting, but his opponents admitted without shadow of right, thus swelling the majorities of Mr. Porter even beyond the wild expectations and extravagant calculations of his own friends. Is it right that this state of things, (the existence of which each voter will determine by facts known to himself,) should be submitted to in a free country?

Finally, it is known that in several counties, in which our opponents had the control, the votes of whole districts, favorable to our candidate were, without shadow of law or justice, wholly rejected, and false and partial returns made. Can there be any safety under republican institutions, if such high handed oppression be tolerated? No, we owe it to ourselves as freemen, and good citizens to examine into this matter, and if fraud be detected, to expose and resist it. We owe it to ourselves and posterity.

On behalf, therefore, of the State Committee of Correspondence and Vigilance, the propriety is suggested of taking measures, *at once*, for investigatting the manner in which the election was conducted, and the result produced. *Now* is the time to make the examination, while the facts are fresh and the outrage recent. Let it be done then peacefully, determinedly and thoroughly. But let it be commenced with an honest resolution to submit to the result, whether it be favorable or unfavorable to our wishes. This is the duty of all who contend for equal rights and the supremacy of the laws.

But, fellow citizens, until this investigation be fully made and fully determined, **LET US TREAT THE ELECTION OF THE NINTH INST. AS IF WE HAD NOT BEEN DEFEATED, AND IN THAT ATTITUDE ABIDE THE RESULT.**

In the mean time, your State committee will take all proper measures on the occasion; and when the whole facts are known, and the returns received, will probably address you more at length.

THO. H. BURROWES,  
*Ch'n St. Committee.*

Harrisburg, October 13, 1839.

On motion of Mr. Flenniken,

Committee adjourned to meet at the call of the Chairman.



MONDAY, June 17th, 1839. }  
 8 o'clock, A. M. }

Committee met at the call of the chairman.

Present: Snowden, Zeilin, Flenniken, Roberts and Cunningham.

E. KINGSBURY, Jr. sworn.

Question by Mr. Snowden, chairman—I wish you to state your knowledge of the facts which took place on the 4th of December last, in the Senate chamber.

Answer—I have read the testimony of William F. Coplan, Esq. member of the Senate, taken before this committee, and so far as I now recollect, I concur entirely with him in the statement he has made.

Question by Mr. Snowden, chairman—Will you state what you know in relation to Governor Porter being sent for, and if so, what facts led relative to his coming here?

Answer—Some three or four days before the day when the returns of the vote for and against the amendments to the new constitution were to be opened and read, I had a conversation with Mr. Irwin, then a member of the senate from Clearfield county, who stated that the returns from Wayne county, a part of my district, had not been received, as he had been informed, by Mr. Burrowes then Secretary of the Commonwealth, and that the new constitution would be lost if the votes from that county were not counted, I suggested to Mr. Irwin to send an express for the purpose of procuring the returns, but, upon reflection, I know that they could not be returned here by the time they would be wanted. I then informed him that the returns had not been made out in due form as I had understood, and that probably Mr. Burrowes had overlooked the paper. I suggested to Mr. Irwin to see Mr. Burrowes, and request him to make a thorough examination to ascertain whether the returns had not been mislaid or overlooked, and in the meantime I would write to the prothonotary of Wayne county, and procure a certified copy of the returns filed in his office. He told me that he believed the speaker of the senate had already written to the prothonotary for that purpose. The same day I communicated what Mr. Irwin had told me to several of the democratic members of the legislature, and it was thought best to inform Gov. Porter of it; accordingly I wrote to Gov. Porter stating the facts communicated to me by Mr. Irwin, and requesting him to come to Harrisburg, and be prepared to act as the emergency of the case required, in case the votes for and against the amendments were counted, leaving out the votes from Wayne county, and the old constitution should be declared to be in force. This

letter was signed by a number of the democratic members, perhaps by a majority of them. The majority for the amendments in Wayne county was 1292, and the aggregate majority in all the counties, according to the returns of votes as they were counted by the direction of the speaker of the senate, was 1212; consequently, if the votes from Wayne county had not been counted, there would have been a majority of 80 against the new constitution. My sole object in writing to Gov. Porter, and so far as I knew, the object of other members who signed the letter, was to request Gov. Porter to be at Harrisburg at the time when he would be inaugurated, provided the old constitution was declared to be in force.

E. KINGSBURY, Jr.

Sworn and subscribed, June 17th, 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

Mr. Snowden, chairman of the committee, submitted a report in behalf of the majority of the committee, which on motion of Mr. Flenniken, was adopted.

On motion of Mr. Flenniken,

*Resolved*, That the correspondence between Governor Ritner and Major General Robert Patterson be attached to the evidence taken before this committee.

Which was adopted, and the

Committee adjourned to meet at the call of the chairman.

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1st Division Pennsylvania Militia, }  
Philadelphia, January 22, 1839. }

I certify that the "correspondence," "General and Special orders of the Governor and Commander in chief," and "Division Orders," hereto annexed, are truly copied from the originals, and from copies of letters written by the Major General (which were compared with the originals by me,) now in the possession of the division staff, all of which have been examined by me.

JOHN MILES.

*Aid-de-camp to Maj. Gen. Patterson.*

CORRESPONDENCE BETWEEN GOVERNOR AND MAJOR GENERAL.

No. 1.

*Head Quarters, 1st Division P. M. }*  
Harrisburg 9th Dec. 1838. *}*

HIS EXCELLENCY, the Governor,

SIR—I have the honor to report, that in compliance with your general order and requisition of the 5th instant, the volunteers of the 1st division P. M. under my command, have arrived at the seat of government.

Very respectfully,  
Yours, &c. &c.

Signed R. PATTERSON.

No. 2.

*Head Quarters, 1st Division P. M. }*  
Harrisburg, 10th Dec. 1838. *}*

HIS EXCELLENCY THE GOVERNOR.

Enclosed I send you a copy of the orders of the day; the original was given to my aid-de-camp on duty late last night, with directions to have them promulgated early this morning to the troops of the division.

I have the honor to be  
Your ob't servant,  
Signed, R. PATTERSON.

Orders of the day, December 10, 1838, enclosed, vide "Division Orders," of that date.

J. MILES, A. D. C.

No. 3.

*Head Quarters 1st Division P. M. }*  
Harrisburg 10th Dec. 1838. *}*

HIS EXCELLENCY THE GOVERNOR.

SIR—Another regiment of my division arrived last night, and were reported at Head Quarters about eleven o'clock.

Herewith I transmit a copy of the report of the officer of the day, in addition to which I take pleasure in stating from my own personal observation, that there was tranquility during the night, and not the slightest impediment thrown in the way of the troops in discharge of



their duty. I am also gratified in being able to report to you, that, from information communicated to me, I believe the citizens of all classes will use every exertion to preserve that order which now exists.

Under these favorable circumstances I feel it my duty to state that I do not consider it necessary to keep so large a body of troops at the seat of government, especially as my orders to the volunteers of my division to assemble under your requisition were obeyed with the utmost promptitude, at great pecuniary sacrifices to most of them, believing, as they had a right to do, that I would feel a paternal regard for their interests and relieve them as soon as possible.

I therefore take the liberty of asking permission to order a portion of my command to return to Philadelphia, and request that an officer be appointed to pay the troops and disburse the expenses on the route to this place and on their return to their homes, and to furnish transportation.

I further beg leave to request, that this matter will receive your earliest attention, as it is very desirable that such troops as may be ordered home should depart soon as possible.

I have the honor to be,

Sir, your obedient servant,

Signed,

R. PATTERSON.

Enclosed a copy of the report of officer of the day, dated Dec. 10, 1838—see "Division Reports," &c.

J. MILES, *A. D. C.*

No. 4.

*Head Quarters,* }  
Harrisburg, Dec. 10, 1838. }

SIR—Your report of this morning has just been received. I am extremely gratified to hear that perfect tranquillity prevailed during the night, and that your observation of the state of public feeling here enables you to make such a favorable statement.

Your command was ordered here to ensure the independant action of the legislative bodies, and to protect them from a recurrence of the disturbance and intimidation that existed before your arrival. It is far from my desire to retain a military force in the state capitol, a moment after the necessity for its presence has ceased to exist. I will accordingly consult with the members of the legislature on the subject, and if they concur with you in believing that a part of your command may be dispensed with, with safety, I shall gladly issue the necessary order. In the meantime, all the proper measures for the payment of the troops, and for their transportation to their homes, when they can be safely dispensed with, will be taken according to law, and with as little delay as practicable.

I send you a newspaper slip, published this morning, containing the proceedings of a meeting in Berks county, which should be known to you in forming an estimate of the true situation of things; and desire you to report to me, with as little delay as possible, the whole force now at your command in Harrisburg, and the number of men, with which you, as an officer and citizen of Pennsylvania, will undertake to preserve the public peace at Harrisburg.

Signed, JOS. RITNER.

By the Governor and commander in chief.

THOS. H. BURROWES, *Aid-de-camp*.

Addressed—Maj. Gen. ROBERT PATTERSON,  
Wilson's Hotel, Harrisburg.

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No. 5.

Head Quarters 1st Division, P. M. {  
Harrisburg Dec. 10. 1838 }

HIS EXCELLENCY THE GOVERNOR.

SIR—Your letter of this instant acknowledging my report of this morning, has been duly received with the enclosures.

The force now under my command, subject to military law and to my orders, as well of course as by their discipline, appears by the division returns of one of my aids, a copy of which is annexed.

In regard to the latter part of your letter, in which I am desired to state "as an officer and citizen of Pennsylvania," the number of men with which I will "undertake to preserve the public peace at Harrisburg," I beg leave to reply, that my official station at present under the constitution and laws, is a military one. In that capacity I am subject to the orders of the commander in chief and ready to quell an insurrection. Allow me respectfully to state, that mere violations of the "public peace," should be prevented or punished by the civil authorities, and until it is ascertained that they are unable to accomplish those objects, the military should not be called on to perform that duty. It is hardly necessary to say, that as commanding officer of the division, I shall meet all questions in the line of duty with promptness.

My force will probably be increased to night by arrivals, and believing, as far as it can now be ascertained, that it is already unnecessarily large for the duty which I may in any emergency be required to perform, allow me to reiterate my request of this morning in relation to dispatching a portion to their homes.

I have the honor to be

Your ob't servant,

Signed, R. PATTERSON.

Enclosed a copy of the division return of December 10, 1838, vide "Division and Brigade Reports" of that date.

J. MILES, A. D. C.



No. 6.

*Head Quarters 1st Division, P. M.*  
Harrisburg, 11 Dec. 1838.

HIS EXCELLENCY THE GOVERNOR.

SIR—I have received the orders of this morning appointing Col. Pleasonton of the Artillery, Assistant Adjutant General, and a verbal order, through that officer, to attend immediately at Head Quarters, in obedience to which I am here.

Your excellency has a right to take any officer or soldier of my command for any military duty, but I respectfully request, that when it can be done, other persons than those under my command, be selected to perform the duties of your staff. In the present instance I am seriously injured by having the commanding officer of my artillery taken from his proper station, and placed in an inferior station in point of rank, to perform a duty merely ministerial, and compelling me at a critical moment to make new arrangements with an entire regiment.

I have the honor to be,

Sir, your ob't servant,

Signed,

R. PATTERSON.

[Delivered to the Governor at his quarters in presence of General Patterson by  
J. MILES, *Aid-de-Camp.*]

No. 7.

*Head Quarters 1st Division P. M.*  
Harrisburg 12th Dec. 1838.

HIS EXCELLENCY THE GOVERNOR,

SIR—Herewith I send you a copy of the report of the officer of the day. I have seen nothing to change my opinion of the aspect of affairs here, since my report of the 10th instant. The town is tranquil—the citizens are from all appearances perfectly quiet and orderly. I therefore consider it my duty as senior officer, to request your excellency to issue an order directing me to march my command to Philadelphia, there to be dismissed. I am induced to be the more urgent in this matter, because my men were ordered here at very short notice, and had not time to provide themselves with articles of clothing necessary to preserve their health. I would not ask to be relieved, if there was any duty to perform; but I believe the presence of so large a body of armed men at the seat of government is calculated to attract an immense concourse of people with excited feelings, from the surrounding country, probably to produce the very state of things which does not now exist, and which should not be invited for the reason stated.



The reasons assigned for ordering us here, have ceased to exist.—The senate have met regularly, without interruption, as I am informed, and there is no “insurrection” to quell. I respectfully request your immediate attention to this, and have the honor to be very respectfully,

Your obedient servant,

Signed,

R. PATTERSON.

Enclosed a copy of report of officer of the day, dated December 11, 1838—See “Division Reports, etc.”

J. MILES, *A. D. C.*

—  
No. 8.

*Head Quarters 1st Division P. M.*

Harrisburg, Dec. 12, 1838.

Maj. Gen. ROBERT PATTERSON, 1st Division, P. M.

SIR—Your communication of this date covering the report of the officer of the day, has been received. I am pleased to learn from it that quiet prevails.

I desire to confer with you personally, so as to ascertain what part of the troops should be first returned to their homes to-morrow morning by the rail-road, and will then issue the necessary order.

I wish it to be understood that the artillery shall not be among those first marched to Philadelphia.

Signed,

JOS. RITNER.

By the Governor and Commander in chief.

THO. H. BURROWES, *Aid-de-camp.*

—  
No. 9.

*Head Quarters 1st Division P. M.*

Harrisburg, 13th Dec. 1838.

HIS EXCELLENCY THE GOVERNOR.

SIR—I have the honor to report that the town continues tranquil. In obedience to general order No. 2, I have ordered the second brigade of my division to march to Philadelphia. This brigade left here at 11 o'clock this morning. I have also ordered “the Brigadier General commanding it, to direct the officers and men of the volunteer troops composing it, to hold themselves in readiness for immediate service at a moment’s warning.”

The blankets and other property of the commonwealth received by the detached troops since their arrival in this place, have been, by my order, turned over to the commissary of supplies, and I have directed this officer to take charge of them.

Very respectfully,

Your ob't servant,

R. PATTERSON.

No. 10

*Head Quarters, 1st Division, P. M. }*  
Harrisburg, 14th Dec. 1838. *}*

HIS EXCELLENCY THE GOVERNOR.

Sir—enclosed I send you a copy of the report of the officer of the day. The tranquility of the day had remained undisturbed since my report of the 12th, to which, I respectfully beg leave to refer your Excellency. The reasons that compel me again to ask that my command may be ordered home, are becoming every day more urgent. No division of state troops in the Union will obey orders, and leave their homes with more promptitude, or at a greater sacrifice of comfort and interest. I have with me, lawyers whose practice and the interest of clients is suffering—merchants with heavy engagements to meet, and immense pecuniary arrangements to superintend, which require the influence and directing head of the principal—master mechanics with numerous journeymen unemployed, whose families depend on their daily wages for maintenance. I could go on and enumerate until every interest and every class in Philadelphia would be embraced in the recapitulation. These men rallied under my call, without hesitation, not having time to give directions for the management of their affairs and believing they would be allowed to return to their homes, when order was restored at the seat of government. Few of them have brought any apparel, except what they had on when they marched—I believe there is not a trunk with the division, except the one used for the papers of the staff. For these reasons and those assigned in my letter of the 12th, I again request your excellency to issue an order directing me to march my command to Philadelphia. The troops can there be held subject to orders, and should their services be needed, under any emergency, there will be no difficulty in bringing an ample force to the seat of Government, in twenty four hours after I receive orders, provided notice is given to the proper officers in charge of the rail road, to have a sufficiency of motive power at Philadelphia subject to my order, I am constrained to say, that I do not apprehend any such contingency. The town of Harrisburg is now in a state of entire repose, and will, I think, remain so, unless the troops are kept here, and create jealousy, and induce, what we are all so anx-



to avert, a collision between the citizens and the military. No body of men, however lawless and reckless, will dare to interfere with the administration of the law, and the regular course of action of the legislature, when they know that the civil authorities will be promptly sustained by the military, and that well disciplined troops can be brought here in twelve hours.

I have the honor to be, sir,

Your obedient servant,  
signed R. PATTERSON.

Enclosed a copy of the report of officer of the day, 14th inst., see "Division reports."

J. MILES, *A. D. C.*

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GENERAL AND SPECIAL ORDERS OF THE GOVERNOR  
AND COMMANDER-IN-CHIEF.

No. 1.

*Head Quarters,* }  
Harrisburg, Dec. 5th, 1838. }

To Maj. Gen. ROBERT PATTERSON, commanding 1st division P. M.

Sir—Having received information of an insurrection having been raised by a body of men who invaded the senate chamber yesterday evening during the session of that body, and by lawless violence and threats of personal injury to the members, and bloodshed, disturbed the senate and prevented it from proceeding with its deliberations, and compelled the members to disperse.

Having also been informed that the same body of men have organized themselves and resolved to compel the senate to adopt their will as their rule of action. I am compelled to order and require you forthwith, to call out from your command, a force sufficient to quell this insurrection, and march them immediately away to the seat of government. I have hereby appointed Col. John L. Woolf, my aid, to bear this order and give his aid for its execution,

The officers of the rail road are requested to aid you with the means of transportation.

I am sir, with great respect,

Your obedient servant,  
signed JOSEPH RITNER.



No. 2.

*Head Quarters,* }  
Harrisburg, Dec. 7, 1838. }

To Maj. Gen. ROBERT PATTERSON:

Sir—I have just been informed, by a letter from the Attorney General, dated 6th inst., that you have promptly complied with my order of the 5th.

When you arrive at this place with your command, march at once to the state arsenal, near the capitol, and take possession of the arsenal, which you will retain till further orders. On taking possession of the arsenal, you will immediately inform me thereof, and shall then receive further orders for the regulation of your conduct.

signed JOSEPH RITNER.

By the Governor and commander-in-chief.

THO. H. BURROWES, *Sec. of the Com. and aid on duty.*

Addressed—To Maj. Gen. ROBERT PATTERSON, Philadelphia.

*Per Mr. Beatty,*

No. 3.

*Head Quarters,* }  
Harrisburg, Dec. 8, 1838. }

To Maj. Gen. ROBERT PATTERSON, of the 1st div. P. M.,

Sir—Having arrived at this place, and secured the state arsenal by a sufficient guard, as directed by my order of yesterday, you will place the remainder of your men in the quarters provided for them by William Allison Esq., appointed for that purpose, paying attention both to their comfort and the accomplishment of the object of their presence here. Mr. Allison has also been directed to provide subsistence for your command, and will do so during your continuance in Harrisburg. The object of your presence here being exclusively that of preventing violence and bloodshed, you are strictly ordered not to permit your men to fire or use their weapons, except for the maintenance of the public peace, after all other means shall have failed, or in necessary self defence.

signed JOSEPH RITNER.

By the Governor and Commander-in-chief.

THO. H. BURROWES, *Aid-de-camp, &c.*

Addressed—Maj. Gen. ROBERT PATTERSON.

## No. 4.

*Head Quarters,*  
Harrisburg, Dec. 10, 1838.

Maj. Gen. ROBERT PATTERSON of the 1st Division, P. M.

SIR—During the continuance of your command in Harrisburg you will permit no officer or private in uniform or armed to enter within the enclosure in which the state capitol stands,\* without a request from the legislature, or either branch of it regularly communicated to you, in which case you will furnish such guard as the request may designate.

You will also, whenever requested by any of the competent civil authorities of the place, without further orders, detail a sufficient force to quell any disturbance that may elsewhere arise, should such disturbance unfortunately take place,

Signed,

JOS. RITNER.

By the Governor and commander in chief.

THO. H. BURROWES, *Aid-de-camp.*

(Addressed,) To Maj. Gen. ROBERT PATTERSON,  
Wilson's Hotel,  
*Harrisburg, Penn.*

## No. 5.

*Head Quarters, Harrisburg,*  
10 o'clock, 10th Dec. 1838.

To Maj. Gen. R. PATTERSON,  
*1st Division P. M.*

SIR—Adjutant Gen. W. Piper of the Pennsylvania Militia, has arrived at Head Quarters. You will report yourself to Gen. Piper, and hereafter receive orders from him.

Signed,

JOS. RITNER.

## No. 6.

EXECUTIVE CHAMBER,  
Harrisburg Dec. 11 1838.

## ORDERS.

The Governor of the commonwealth has appointed Col. A. J. Pleasonton, of the first regiment of volunteer artillery, Assistant

\*Received by the Major General after his orders of the day forbidding any of his command to enter within the same enclosure without condition—See "Division Orders."

J. MILES, A. D. C.

Adjutant General of the state. He will be obeyed and respected accordingly.

Signed,

JOS. RITNER.

By order of the Governor,

WILLIAM PIPER, *Ad't Gen. of Penn.*

ON SERVICE,

Addressed—Maj. Gen. ROBERT PATTERSON,

Commanding 1st Division, P. M.

Wilson's Hotel,

*Harrisburg, Penn.*

No. 7.

HEAD QUARTERS, HARRISBURG.

December 11th, 1838.

By virtue of the authority vested in me, as Governor of this commonwealth, by the third paragraph of the sixty-third section of the acts of assembly, of the 2nd of April, 1822, entitled, "An act for the regulation of the militia of this commonwealth." I do hereby appoint Colonel A. J. Pleasonton, of the 1st regiment of volunteer artillery, of Pennsylvania, to be acting paymaster general, and disbursing officer, for the volunteer troops called into service by my order of the 5th inst., to Major General Robert Patterson, 1st division, P. M.

Signed

JOSEPH RITNER.

By the Governor and commander in chief.

THOMAS L. DUBROWES,

*Secretary of the Commonwealth, and aid-de-camp.*

No. 8.

*Adjutant General's office,  
Harrisburg, Dec. 12th, 1838.*

*General Order,* } In consequence of the serious inconvenience,  
No. 2. } which the prompt and patriotic obedience of the  
volunteer troops, now in service at this capital, to the order of his  
excellency, the commander in chief, calling them into service, has  
occasioned to many of them in suddenly and without preparation,  
leaving their business and families. The commander-in-chief, in  
order to relieve as many of the gallant volunteers who have hastened  
to obey their orders, from these embarrassing situations, as the safety  
of the capital and the preservation of order will permit, hereby directs



that the major general of the 1st division P. M. cause one of his brigades to commence march to Philadelphia to-morrow.

The major general will take care that in detaching one of his brigades, he does not reduce the effective strength of his command below five hundred and fifty rank and file.

Suitable transportation will be furnished by the proper officers, and timely notice will be given to the commanding general of the starting of the train.

It is also directed that the ammunition which has been furnished to the troops, whom the major general under this order may relieve from duty at this place, be turned over to the division quarter master with the troops at this place, and by him will be placed in reserve, with such other ammunition, as the major general has in his possession.

On the arrival of the detached brigade at the city of Philadelphia, the brigadier general commanding it will direct the officers and men of the volunteer troops composing it, to hold themselves in readiness for immediate service at a moment's warning. The alacrity with which all the volunteer troops of the 1st division, have hurried to the support of the constitution and the laws, on this occasion, is a certain guarantee that should their services be again needed, there will be no hesitation on their part in again standing up in support of the commonwealth.

A. J. PLEASANTON,  
*Col and Assis't Adj't Gen.*

On service.

Addressed—For Maj. Gen. R. PATTERSON, 1st Division P. M.

Wilson's Hotel.

### No. 9.

ADJUTANT GENERAL'S OFFICE,  
Harrisburg, December 13, 1838.

*General Order* } The commander in chief directs the major  
No. 3. } general commanding to take such measures as  
may be necessary for the removal of those troops who are now quar-  
tered in the Registers office, and in the office of the commissioners, at  
the court house, into other quarters which may be equally comforta-  
ble and convenient. The urgent business of many of the citizens at  
these respective offices calls for the removal of these troops into other  
quarters as early in the morning, to-morrow after breakfast, as possible.

By order of the commander in chief,

A. J. PLEASANTON, *Col. and Ast. Adj. Gen.*

To Maj. Gen. R. PATTERSON, 1st Div. P. M

On service.

Addressed—For Maj. Gen. R. PATTERSON, 1st div. P. M.

No. 16.

ADJUTANT GENERAL'S OFFICE  
Harrisburg, December 13, 1838.

*General Order,* } Captain Wm. Bradford, brigade quarter mas-  
*No. 4.* } ter, 1st. brigade 1st division Pennsylvania mili-  
tia, having been appointed quarter master general of the state by his  
excellency the commander-in-chief, and will be obeyed and respected  
accordingly. The quarter master general will cause muslin shirts and  
shoes to be issued to such of the men, now in service as may be re-  
quired for their comfort and the preservation of their health.

The issue will be made only after an inspection of the condition  
of the shirts and shoes now worn by the men, and upon a certificate  
of the regimental surgeon that the health of the men cannot be pre-  
served, without the delivery of the said articles.

By order of the commander in chief,

A. J. PLEASANTON, *Col. and Ast. Adj. Gen.*

On service.

Addressed—For Maj. Gen. R. PATTERSON, 1st. div. P. M.

Head Quarters, Wilson's Hotel.

No. 11.

HEAD QUARTERS, HARRISBURG,  
December 15, 1838, 9 o'clock, P. M.

Maj. Gen. R. PATTERSON, 1st div. P. M.

SIR:—Your report and communication of yesterday were duly re-  
ceived, but have not been replied to till the present moment, because I  
am only at this instant informed by the speaker of the Senate and one  
of the bodies claiming to be the House of Representatives, of their  
views on the propriety of withdrawing the military force now at this  
place. It was for the protection of the Legislative bodies, that your  
command was ordered into service. I could not therefore feel safe in  
delivering you from the unpleasant but highly responsible position in  
which you are placed, without their consent expressly given. It is  
however, with pleasure that I am now enabled to inform you that a  
majority of the members of the Legislature have announced to me,  
through their speakers, that they do not conceive the further contin-  
uance of your command indispensable to the object for which you  
were ordered to this place. You will, therefore march your force to  
Philadelphia with as little delay as practicable, either in two divisions on  
different days, or in one, as may seem to you most proper and conve-  
nient.



You will also hold your command, after it shall have reached Philadelphia, in readiness to march to Harrisburg at an hours notice whenever it shall receive orders to that effect.

(Signed) JOS. RITNER.

By the governor and commander in chief

(Signed) THO. H. BURROWES, *Aid de Camp*.

Addressed—Maj. Gen. R. PATTERSON, &c.

## No. 12.

ADJUTANT GENERAL'S OFFICE  
Harrisburg, December 15, 1838,

*General Order,* } A majority of the members of the Legisla-  
*No. 5.* } ture having announced to the Governor of this  
commonwealth, through their speakers, that they do not conceive the  
further continuance of the volunteer troops now stationed here, to be  
indispensable to the object for which they have been ordered to the  
seat of government, viz: the protection of the legislative bodies from  
the lawless violence of reckless disorganizers. The commander in  
chief hereby directs the Major General commanding to commence his  
march with the troops remaining here for the city of Philadelphia, on  
to-morrow, at such hour as the convenience of the troops and a due  
regard to the security and preservation of the public property entrusted  
to their charge may require. The commanding general will cause  
the public property which it is not deemed expedient to carry with the  
troops, to be turned over to the quarter master general, and such am-  
munition as may have been supplied to the troops, with the exception  
of the fixed ammunition in charge of the regiment of artillery, to be  
delivered into the possession of the brigade quarter master, who will  
urnish transportation therefor to Philadelphia.

On the arrival of the 1st brigade of the 1st division Pennsylvania militia at Philadelphia, the commanding general will not muster the troops of his division out of service, but will order all the officers with their respective commands who have been mustered into service, under the orders of the commander in chief, to hold themselves in readiness to march to Harrisburg at an hours notice, whenever the commander in chief shall issue orders to that effect. Maj. Gen. Patterson will, in accordance with these instructions, take such measures for obeying the order of the commander in chief, and for carrying into full execution, on its reception, with the least possible delay as the nature of the case will allow.

The division returns will be made daily to the adjutant general's office in Philadelphia, at such time as the assistant adjutant general may appoint, as long as the troops shall be continued in service; and all communications to the commander in chief, in connection with the troops in service will be made through the same officer.



The Major General, will order such details of duty to the troops, as he may think necessary for the improvement of their discipline and their expeditious return to the seat of Government, should their services be required.

The Quartermaster General will furnish transportation and quarters and provisions for the troops, on their route.

By order of the commander-in-chief.

signed A. J. PLEASANTON,  
Col. and assist. adjt. general.

ADJT. GENERAL'S OFFICE—ON SERVICE.

Addressed—For Maj. Gen. R. PATTERSON, 1st div. P. M.  
Harrisburg, Penn'a.

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No. 13.

ADJUTANT GENERAL'S OFFICE,  
Harrisburg, December 15th, 1838.

*General Order,* } His excellency the Governor, and Comman-  
No. 6. } der-in-chief, in directing the return to their homes  
of the gallant and patriotic troops, who have repaired to the seat of government of the commonwealth, for the purpose of securing to the legislative bodies of the state the tranquil and uninterrupted performance of their official duties, and upholding the constitution and laws cannot permit their departure, without tendering to them, as citizens and as soldiers, his warm acknowledgments for the alacrity they displayed, at so momentous a crisis.

The troops have been called into service, on the requisition of the senate of the state, communicated through its speaker, to the governor of the commonwealth, for efficient protection, against an organized body of men, regardless of the constitution and laws, who had attempted to intimidate and overawe that body.

The Governor has not felt himself authorized under the peculiar circumstances of the case to remove the troops from Harrisburg, until he should receive from the senate official notice that the senate from the change of circumstances and the moral effect produced upon the disorganizers, by the presence of the troops, no longer apprehended a renewal of the scenes of violence and outrage recently enacted in the legislative chamber of that body. The senate having expressed that opinion late on this evening, his excellency, the commander-in-chief does not hesitate to direct the return of the troops to Philadelphia.

In removing the troops thus, from the seat of government, the commander-in-chief, repeats his injunction to the officers and men to hold themselves in readiness, till regularly mustered out of service, to march at a moment's notice to Harrisburg, in case a repetition of the

late violence and resistance to the constitution and laws, should in its recurrence require the interposition of a military force.

His excellency, the commander-in-chief regrets extremely that the peculiar situation of public affairs, since the troops have been quartered here, has prevented the commander-in-chief from having the troops presented to him by their proper officers. His excellency desires the troops to understand that a review of the troops would have been ordered by the commander-in-chief, but it was his anxious desire to avoid any proceeding, which, in the extremely delicate position of public affairs here might be calculated to produce any excitement in the public mind—and his excellency was apprehensive, that, any military ceremonial, however proper in itself, might be construed differently to its intention, and disadvantageously to the public weal.

The commander-in-chief, in taking leave for the present of the troops of the first division, P. M. tenders anew his thanks for their promptitude and patriotism, and expresses his high satisfaction with their deportment as citizens and soldiers, since they have been in the public service.

By order of the commander-in-chief.

Signed, A. J. PLEASANTON,  
*Col. and Asst. Adjt. Gen.*

ADJT. GENERAL'S OFFICE—ON SERVICE,  
Addressed—To Maj. Gen. R. PATTERSON, 1st div. P. M.  
Harrisburg.

No. 14.

ADJUTANT GENERAL'S OFFICE,  
Harrisburg, December 16, 1838.

*General Order,* } The Major General will cause 2000 musket  
No. 7. } cartridges to be left at the arsenal in charge of  
the keeper of the arsenal, for such service as may be required.

By order of the commander-in-chief.

Signed, A. J. PLEASANTON,  
*Col. and Assist. Adjt. Gen.*

[Received too late while the Division was on the march.]

J. MILES, *Aid-de-camp.*

ADJT. GENERAL'S OFFICE—ON SERVICE.  
Addressed—For Maj. Gen. R. PATTERSON, 1st div. P. M.  
Harrisburg.

No. 15.

ADJUTANT GENERAL'S OFFICE,  
Philadelphia, Dec. 26th, 1838.

*General order,* { The Governor and Commander-in-chief directs  
No. 8. { that the troops, lately mustered into the service of  
the state by Major General Robert Patterson, under the order of the  
commander-in-chief, be discharged from farther service. According-  
ly, Major General Patterson will take the necessary measures to have  
them regularly mustered, and immediately thereupon, dismissed.

Brigadier Generals commanding brigades in service, will cause to  
be furnished to this office, without delay, copies of the muster rolls of  
the troops and companies properly authenticated, in order that the  
necessary payrolls may be prepared as soon as possible.

All military stores, the property of the state issued for the late  
exigency to the troops, will be turned into the state arsenal, in this  
place, and proper receipts therefor given by Brigade Inspector, Baker,  
who has the charge of that Arsenal.

By command of the Governor and Commander-in-chief.

Signed,

A. J. PLEA SONTON,  
*Col. and Assist. Adj. Gen.*

## DIVISION, GENERAL, AND SPECIAL ORDERS.

No. 1.

HEAD QUARTERS, 1ST. DIVISION, P. M.  
Philadelphia Dec. 7th, 1838.

The Governor of the commonwealth, in his character of commander-in-chief, having issued his order, according to the constitution and laws, requiring me forthwith to call out from my command, and immediately march to the seat of government, a force sufficient to quell an insurrection, which he "has been informed, has been raised by a body of men, who invaded the Senate chamber on the 4th instant, during the session of that body, and by lawless violence, and threats of personal injury to the members and bloodshed, disturbed the Senate, and prevented it from proceeding with its deliberations, and compelled the members to disperse; and further, that the same body of men have organized themselves, and resolved to compel the Senate to adopt their will, as their rule of action." Now, in compliance with the said requisition, the volunteers of the first division, will assemble in winter uniform, with knapsacks, provided with thirteen rounds of buckshot cartridge, and seventeen rounds of ball cartridges, in Broad street, South of Market street, to-morrow (Saturday) at seven o'clock A. M. precisely.



The Major General, need make no other appeal to the patriotism of the volunteers of the division, than to remind them, that it is the highest privilege, as it is one of the most important duties of the citizen soldier, to sustain the civil authority, whenever the emergency occurs, which renders necessary a resort to armed force. The spirit of order, and a sacred regard for the regular action of the laws, under which alone can our liberties be preserved, demand that the spirit of misrule, must be instantly, energetically and effectually suppressed.

Brigadier Generals Goodwin and Prevost, will take immediate measures within their respective brigades, to carry this order into full effect.

The officers of the rail-road have been required to aid with the means of transportation.

By command of

MAJ. GEN. R. PATTERSON.

(Signed) JOHN MILES, *Aid-de-camp*.

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No. 2.

HEAD QUARTERS, 1ST DIVISION, P. M.

Philadelphia, Dec. 7, 1838.

Orders.

To Col. A. J. PLEASANTON,

*1st Reg. Vol. Artillery, etc.*

Philadelphia.

SIR—You will proceed immediately to the United States Arsenal at Frankford, and receive the ammunition furnished agreeably to the requisition of his excellency the Governor and commander-in-chief, and which will be delivered to you by Col. John L. Woolf, aid-de-camp to the Governor. On receiving the ammunition you will return to this city and cause it to be stored in the state arsenal in Juniper street, preparatory to its being issued to the troops before commencing their march to Harrisburg to-morrow morning agreeably to orders.

By command of MAJ. GEN. PATTERSON.

JOHN MILES, *Aid-de-camp*.

—

No. 3.

HEAD QUARTERS, 1ST DIVISION, P. M.

Lancaster, December 9th, 1838.

ORDER OF THE DAY.

The division will form west of the court house, at half past seven A. M. and take position in the cars immediately.

The troops are reminded, that they are now in the service of the state, and are governed by the articles of war, the same rules and regulations which govern the army of the United States.

The Major General is conscious, that the volunteers under his command, have too much soldierly feeling, and too high a sense of what is due to themselves, and the place they came from, to render it necessary to remind them, that the strictest subordination will be required, and that any infraction of order, will be promptly noticed.

The Major General earnestly requests the troops of the division to carefully abstain from all political discussion, or from doing or saying any thing calculated to produce unpleasant feelings, or collision with citizens. A soldier belongs to no party.

The men will recollect that this is the Sabbath, and that although we are obliged to march on this day, yet a just regard for the feelings of others, as well as our duty to ourselves, require that the most perfect order and decorum be observed.

Gen. Prevost is appointed officer of the day—captain Childs officer of the guard.

By order of

Maj. Gen. PATTERSON.

Signed SAMUEL J. HENDERSON, *Aid-de-camp*.

No. 4.

HEAD QUARTERS 1ST DIVISION P. M.

December 10, 1838.

Gen. GOODWIN 2nd brigade 1st Division P. M.

*Orders* } The Major General requires a return forthwith of the  
No. 2. } force under your command, including the description of  
force and names of companies.

By command,

Signed, JOHN MILES, *Aid-de-camp*.

N. B.—If any of your companies are in private quarters, report them forthwith.

No. 5.

HEAD QUARTERS 1ST DIVISION P. M.

Harrisburg, 10th December, 1838.

ORDERS OF THE DAY.

The division having arrived at the seat of government, has been reported to the commander-in-chief, and awaits further orders. The troops will remain quietly in quarters, except when on duty. The repose of the town must not be disturbed by unnecessary beating of drums. And all officers and soldiers, while in uniform or with arms, are expressly forbid entering the halls of the capitol, the public offices or the grounds within the enclosure.

The military will be held in strict subordination to the civil authorities.

General Prevost will detail one company for guard duty at the arsenal. The guard now on duty will be relieved at 9 o'clock.

Colonel Kenderton Smith will report his regiment for duty to Brigadier General Goodwin.

Officer of the day Gen. GOODWIN.

Officer of the guard Lieut. BENTSILL.

By command of

Maj. Gen. PATTERSON.

Signed, SAM'L J. HENDERSON, *Aid-de-camp*.

### No. 6.

HEAD QUARTERS 1ST DIVISION P. M.

December 11, 1838.

#### ORDERS OF THE DAY.

The arms and ammunition will be carefully inspected in quarters by the commander of companies, under the superintendence of the colonels, and subsequently by the generals of brigade, who will report to Head Quarters. The Major General reiterates a part of the order of the day for yesterday, "that all officers and soldiers in uniform, or with arms, are expressly forbid to enter the enclosure containing the public buildings." The Brigade Majors will hereafter attend every morning at 8 o'clock at Head Quarters to receive the order of the day.

The first city Troop is detailed for special service. Capt. Hart will report forthwith at head quarters for orders.

The Union Fencibles will be detained for guard duty.

Col. CHILDS, officer of the day.

Capt. LEE, officer of the Guard.

By command.

Signed JOHN MILES, *Aid-de-camp*.

### No. 7.

HEAD QUARTERS 1st DIVISION, P. M.

Harrisburg, Dec. 11th, 1838.

*Division order* } The Major General has under his command, a  
 No. 7. } force sufficient for the emergency, stated by the  
 Governor and commander-in-chief, in his special order and requisition of the 5th instant. He therefore directs that no more of the troops of the division leave their homes under the general order of the 7th instant.

By command,

Signed, JOHN MILES, *Aid-de-camp*.



No. 8.

HEAD QUARTERS 1st DIV. P. M.  
Harrisburg, Dec. 11, 1838.

*Order* } The division hospital is now open and ready for the re-  
No. 4 } ception of the sick. Major Allison will appoint such per-  
sons as may be necessary (not being soldiers in service) to take  
charge of the stores and attend to the sick. Dr. Thomas F. Betton  
has charge of the hospital.

By command,  
Signed, JOHN MILES, *Aid-de-camp*.

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No. 9.

HEAD QUARTERS 1st DIV. P. M.  
Harrisburg, Dec. 12, 1838.

*Orders of the Day.*

The first and second companies of German Washington Guards  
will be detailed for guard duty.

Officer of the day, Col. K. SMITH.

Officer of the guard, Capt. PARSMAN.

By command of Maj. Gen. Patterson.

signed JOHN MILES, *Aid-de-camp*.

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No. 10.

HEAD QUARTERS 1st DIV. P. M.  
Harrisburg, Dec. 12, 1838.

*After orders of the Day.*

Captain Peter Fritz, will relieve Col. Kenderton Smith, as officer of  
the day.

By command,  
Signed, JOHN MILES, *Aid-de-camp*.

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No. 11.

HEAD QUARTERS, 1st Division, P. M.  
Harrisburg, Dec. 12, 1838.

*Order*, } Captain Bradford, is appointed Division Quarter Mas-  
No. 5. } ter, *pro. tem.* He will report to the Aid-de-camp on duty  
for instructions.

By Command,  
Signed, JOHN MILES, *Aid-de-camp*.

## No. 12.

HEAD QUARTERS, 1st Division, P. M.  
Harrisburg, 13th Dec. 1838.

*Order of the Day.* } In obedience to the orders of his excellency the Governor and Commander-in-chief, the second Brigade, under Brigadier General Goodwin, will parade at nine o'clock, A. M., and commence its march for Philadelphia. The promptness with which it responded to the orders of its commanding officer, is duly appreciated by the Major General.

Brigadier General Goodwin, will cause the ammunition which has been furnished to the troops of his Brigade, to be delivered to the division quarter master, who will place it with that of the division now in the arsenal.

It is the order of the Governor and Commander-in-chief, that "on the arrival of the detached brigade, at the city of Philadelphia, the Brigadier General commanding it, will direct the officers and men of the volunteer troops composing it to hold themselves in readiness for immediate service at a moments warning."

Transportation and provision will be furnished by the proper officers. The blankets and other property of the commonwealth, received by the detached troops since their arrival in this place, will be turned over to the commissary of supplies.

The first brigade will parade at nine o'clock, and escort the second to the cars. The first will remain at the seat of Government, awaiting further orders. The Major General is confident, that the same orderly and decorous conduct, for which this brigade is and always has been distinguished, will continue to be a characteristic of its members.

The State Fencibles will be detailed for guard duty.

Col. PAGE, officer of the day.

Lieutenant GOLDEY, officer of the guard.

By command of Major General PATTERSON.

Signed JOHN MILES, *Aid-de-camp*.

## No. 13.

HEAD QUARTERS, 1st division, P. M.  
Harrisburg, 14th Dec. 1838.

## ORDERS OF THE DAY.

The State Artillery will be detailed for Guard duty.

Lieut. Colonel KOEHLER, officer of the day.

Capt. BUMM, officer of the Guard.

By command Major Gen. ROBERT PATTERSON,

Signed SAMUEL J. HENDERSON, *Aid-de-camp, on duty*.

## No. 14

HEAD QUARTERS, 1st DIV. P. M.  
Harrisburg, Dec. 15, 1838.

*Orders of the Day.*

The Junior Artillerists and La Fayette Artillery, will be detailed for guard duty.

Lieut. Col. MURPHY, officer of the day.

Capt. BARGER, officer of the guard.

By command of Major Gen. Patterson.

Signed, SAM'L J. HENDERSON, *Aid-de-camp, on duty.*

## No. 15.

HEAD QUARTERS, 1st DIV. P. M.  
Harrisburg, Dec. 16, 1838.

## ORDERS OF THE DAY.

The Major General announces to the troops, that he has obtained permission from his excellency the Governor and commander-in-chief to march the first brigade to Philadelphia.

The line will be formed at 10 o'clock, A. M., and immediately after the troops will take position in the cars.

The ammunition with the exception of the fixed ammunition, will be turned over to the quarter master of the first Brigade. The blankets of the commonwealth, received by the troops since their arrival at the seat of government, will be turned over to the Quarter master. The captains of companies are required to be particular in this matter. It is hardly necessary to say to the soldiers of the first Brigade, that the General expects that the most perfect order and decorum be observed on the route.

The National Greys will be detailed for guard duty.

Major AIKEN, officer of the day.

Lieut. HERRING, officer of the guard.

By command,

Signed JOHN MILES, *Aid-de-camp.*



## No. 16.

HEAD QUARTERS, 1st DIV. P. M.  
Lancaster, Dec. 17, 1838.

## ORDERS OF THE DAY.

The first Brigade will take position in the cars at half past six o'clock, A. M., precisely, to be marched to the cars in mass or by companies, at the direction of the brigadier general.

The Washington Blues are detailed for guard duty.

Officer of the day, Col. PLEASANTON.

Officer of the guard, Lieut. WEEKS.

The Commander-in-chief directs "the officers and men to hold themselves in readiness, till regularly mustered out of service, to march at an hours notice."

The Generals of Brigade of the division, will send to head quarters complete muster rolls of each company, and report the strength and condition of their respective brigades every Monday morning.

The volunteer troops of the division, under the direction of Generals of Brigades, will drill at least two hours every Monday, Wednesday and Friday, in the afternoon, and will drill in quarters every night, except Sunday. The Generals of Brigade will give such directions to the colonels of regiments, as will enable them to communicate orders, and to assemble their respective commands on one hour's notice.

By command of Maj. Gen. Patterson.

Signed, JOHN MILES, *Aid-de-camp.*

## No. 17.

HEAD QUARTERS, 1ST DIVISION, P. M.  
Philadelphia, 24th Dec. 1838.

*Orders,* } The volunteers of the division will parade with  
*No. 6.* } knapsacks and accoutrements complete on Friday the  
28th instant—cavalry dismounted. The line will be formed in Broad street, South of High street, facing west at two o'clock, P. M. precisely.

By command of

MAJ. GEN. PATTERSON.

(Signed) JOHN MILES, *Aid-de-camp.*

## No. 18.

HEAD QUARTERS, 1ST DIVISION, P. M.  
Philadelphia, 27th Dec. 1838.

*General Orders,* } The volunteers of the division lately mustered  
*No. 7.* } into the service of the state, in obedience to the special order and requisition of his excellency, the Governor and commander-in-chief, will parade in brigades, on Tuesday the first proximo at ten o'clock, A. M., when the rolls will be carefully examined and certified, and the troops mustered out of service.

Brigadier Generals—Prevost and Goodwin “will cause to be furnished to the Adjutant General’s office, without delay, copies of the muster rolls of the troops and companies, properly authenticated, in order that the necessary pay-rolls may be prepared as soon as possible.” All military stores, the property of the state, issued for the late service to the troops, will be deposited in the State Arsenal, in this place, and receipts will be given therefor by Brigade Inspector Baker, who has charge of the Arsenal. The Major General renders his sincere acknowledgments to the volunteers of his division, for their instantaneous response to his call of the 8th instant, and for their deportment individually, and as soldiers, since they have been under orders. He is conscious, that they were aware of the peculiar position in which they were placed, and therefore, has good reason to be, as he is, proud of the conduct of the troops, more especially, as it evinced in so unusual a state of things, confidence in their commanding officer.

Perhaps no body of state troops in the Union, could have obeyed an order with more promptness, or have so suddenly left their homes and occupations at a greater sacrifice of interest and comfort. The Major General cannot, therefore, refrain from saying, that, while it is to be hoped in the history of our country, such a requisition emanating from a high source, may not again be thought necessary, yet the recent promptness and conduct of the Philadelphia volunteers, give assurance, that should they ever be required in the field, in other positions, they will be found there, among the first, disciplined and efficient.

By command of

MAJ. GEN PATTERSON.

JOHN MILES, *Aid-de-camp.*

## SAME DAY.

4 o'clock, P. M.

Committee met at the call of the chairman.

Present : Snowden, Flenniken and Roberts.

CHARLES J. INGERSOLL, sworn.

According to the best of my recollection during the day and night of the election, I was at a great many places and spoke to a vast number of persons. Daniel Jeffries may have been one of them, but I have no recollection of conversing with him.

Question by Mr. Flenniken—Was you at the back part of the Commissioner's Hall, on the night of the election, between 12 and 4 o'clock in conversation with Daniel Jeffries?

Answer—I was not, but at home and asleep four miles off; and if it be meant to be insinuated that at that time, or at any other time, I held any conversation, suggested or advised, or was in any wise privy too, with any body, concerning a fraud upon the elections laws, or any breach of law whatever, such insinuation is utterly false and groundless; I learn now for the first time that an attempt has been made to connect me with an alleged loss of a tally list; I say most positively that I not only had nothing to do with it, but that I never heard of its loss until the return judges met; Mr. Daniel Jeffries is a very respectable citizen, with whom I have little or no acquaintance, and have had scarcely any intercourse.

Question by Mr. Snowden—Did you ever say in a public speech or elsewhere, that if the people merely suspected an officer of the election of cheating, or caught him cheating, they would have a right to inflict summary punishment upon him on the spot?

Answer—I never did, either in a public speech or private conversation, utter such a sentiment—my speech was published in the newspapers; the argument was, that by analogy to robbery, burglary, arson, murder, or any other irreparable injury which the laws allow to be prevented on the spot; a person taking in the act of cheating at an election, might be prevented by any bystander and detained until process could be got for his regular prosecution, but I expressly disclaimed all right of punishment. Witness in answer to a question, further states, that on the morning of the election he did go in the entry of the commissioner's hall for the purpose of giving to one of the inspectors, Mr. Daniel Jeffries, the election law which I left with him, and that is the only time during that day or night that I was in the building at all.

C. J. INGERSOLL.

Sworn and subscribed, June 17th, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Witness discharged.

K.



## CHARLES HOUSTON, sworn.

I came to Harrisburg before christmas in company with Judge Burnside ; I representing that party which it is said I belong to, and he representing his party, for the purpose of endeavoring to settle the dispute at the seat of government ; I never was consulted by letter or otherwise about the meeting or organization of the legislature ; I received a letter from a man who was no officer of the government or ever was to my knowledge, with the exception of being in the legislature a few years ago ; he resides in Huntingdon county ; the question related to the new constitution, and the election and swearing in of the governor ; I think I counted them, and they contained fifteen propositions requesting my opinion if I did not think it improper to give it ; one of the questions was, if objections were made to the election of the governor, who would be governor, and how long the dispute could be made to continue, and whether objections could not be made by one county after another and thus be made to last the whole three years ; I think this was sub-divided into seven different shapes ; there were other questions in relation to the new constitution which I cannot now remember ; one question was, what condition Pennsylvania would be in during the contest, whether she would be under the old or new constitution ; I wrote to him that a portion of his questions were such as I was very sorry that any person for whom I had any respect, or wished to have any respect should put them ; and that no person who had any regard for law or order ever should put any such questions ; his other questions related to matters that might arise under the new constitution, and I therefore declined answering them ; I understood his letter to mean a teasing opposition to the inauguration of Governor Porter and the proclamation made of the new constitution ; I received the letter before the meeting of the legislature ; after I arose from my bed I took it and threw it into the fire ; I decline giving the name of the author of the letter ; I believe he is a whig or anti-mason in politics ; I had no intimation from any human being whatever, until I saw it in the newspapers of any disturbance at the seat of government intended at the opening of the legislature ; there was nothing in the letter, according to my recollection, which led me to believe there would be any disorder or disturbance at the meeting of the legislature ; I thought it contemplated a protracted contest before committees of that body.

CHARLES HOUSTON.

Sworn and subscribed, June 17th, A. D. 1839, before me,  
 JAMES R. SNOWDEN, Chairman,

JOHN LEWIS, sworn.

I know Peter Albright; I never told him that he could make two thousand dollars on the election or any sum if he would go for Mr. Charles J. Ingersoll for Congress. I never asked Peter Albright to go and see Mr. Charles J. Ingersoll; the general character of Peter Albright for veracity is bad. I knew Michael Cochran who lived in Southwark—I charged him with going to Luzerne county, and carrying naturalization papers; he at first denied it, I insisted he did; he denied filling up these naturalization papers; said a man by the name of Caldwell had brought them to his room. I asked him if he did not fill up the papers; he said yes, that these papers were to be used for about 90 hands employed on the public works in Luzerne county; he further stated that he was poor and was compelled to do this or be discharged from his office. This conversation took place at Mr. Hollahan's, in Philadelphia, after Mr. Charles Cochran's return from Luzerne county.

JOHN LEWIS.

Sworn and subscribed, June 17, A. D. 1839, before me,

JAMES R. SNOWDEN, Chairman.

Committee adjourned *sine die*.

F. K. BOAS, *Secretary*.

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